Evaluation of the U.S. Department of Energy's Occupational Safety and Health Program for its Government-Owned Contractor-Operated Facilities

U.S. Department of Labor
Occupational Safety and Health Administration

December 1990

Evaluation of the U.S. Department of Energy's Occupational Safety and Health Program for its Government-Owned Contractor-Operated Facilities

DOL--91010192

DE91 010192

U.S. Department of Labor

Occupational Safety and Health Administration
Gerard F. Scannell, Assistant Secretary

December 1990

TABLE OF CONTENTS

Section

LIST OF CHARTS

APPENDICES

EXECUTIVE SUMMARY

An evaluation of the Department of Energy's (DOE) occupational safety and health programs for its government-owned contractor-operated (GOCO) activities was completed by the Department of Labor's Occupational Safety and Health Administration (OSHA) in response to DOE's request for assistance. The purpose of the evaluation was to provide DOE with a blueprint for strengthening these programs.

Under the leadership of Secretary of Energy James Watkins, DOE has launched a number of significant initiatives designed to instill a new culture of safety and health accountability within the Department. These include DOE's "Ten Point Initiative," proposed changes in indemnification regulations, improvements in DOE's industrial hygiene programs, and a series of proposed "Tiger Team" safety and health compliance assessments at GOCO sites.

While the Secretary of Energy has made it clear that safety and health should be among the Department's highest priorities, in many respects DOE remains a mission-directed, production-oriented organization in which pressures to get the job done often overrule safety and health concerns.

The Secretary of Energy's personal concern for safety and health was not being reflected in the priorities, resource allocation decisions and planning of DOE and GOCO managers. The report recommends that DOE consider major organizational changes, changes in priorities, and the development of operationally meaningful safety and health goals and objectives together with the accountability systems necessary to measure progress.

To achieve the level of safety and health excellence envisioned by Secretary Watkins, OSHA recommended a number of actions; including two with national office significance:

- DOE should establish an independent, effective and well-staffed oversight capability, preferably in the Office of the Assistant Secretary for Environment, Safety and Health (ES&H). The overall assessment of GOCO and operations office safety and health performance, including the final decisions on cost-plus-award fee determinations would be performed by this independent oversight group.

- DOE should strengthen line responsibility for safety and health by streamlining its organizational and reporting structure and developing more appropriate safety and health goals and objectives. All line managers in the DOE/GOCO system should be held accountable for meeting these goals and objectives.

OSHA recommended increased safety and health staffing for both ES&H and the operations offices along with some organizational changes to deal with a "conflict of missions" situation that existed at the operations office level. At the present time the operations offices provide direct monitoring of GOCO safety and health activities and, in addition, report to higher DOE authorities on the effectiveness of their own monitoring. While OSHA concluded that the operations offices must strengthen and continue their "direct" GOCO monitoring, the agency recommended that all assessments and evaluations of the effectiveness and the impact of these activities, including reports to higher officials, be made by ES&H.

In the area of line responsibility, OSHA identified significant problems with this activity, including: inadequate staffing, insufficient monitoring of GOCO programs and the inappropriate use of "output measures" such as injury and illness rates as the major criteria by which safety and health programs were measured. As a result of the emphasis placed on injury and illness rates, OSHA found a number of instances where contractors were not following the Bureau of Labor Statistics' recordkeeping and reporting guidelines in an effort to keep the rates artificially low.

Other major recommendations included:

- Revising the current DOE Orders system to clearly state what is expected of the contractors. The present DOE Orders system, while comprehensive in scope, suffers from lack of specificity, clarity, internal consistency and "real world" relevance.

- Improving the handling of safety and health complaints and allegations of reprisal from GOCO employees. In some cases, contractor employee complaints filed with DOE were sent back to the contractors for initial evaluation. Here the report suggested that complaints should be able to be filed with a neutral party such as ES&H and that ES&H should have responsiblity for investigating all allegations of reprisal in accordance with appropriate regulations to be adopted by DOE.

- Strengthening employee involvement. OSHA recommended that DOE take steps to make employees "full partners" in the agency's safety and health effort. At the present time, DOE's employee involvement program, where it exists at all, is characterized by a "top-down" management style that does not effectively bring employees into the program, solicit their views, and listen to their suggestions.

- Abatement of hazards. OSHA found significant problems with hazard abatement within the DOE/GOCO system. DOE needs to develop the management, resource allocation, and prioritization systems to deal with hazard abatement. Where it is not possible to correct a hazard within a reasonable time, DOE should develop programs for interim measures.

- Developing more effective incentives for GOCO's to comply with safety and health regulations. At the present time, the "Cost Plus Award Fee" contractors have very weak incentives to comply with safety rules while the non-profit contractors have virtually no incentives. While DOE has proposed some recent changes in this system (such as making contractors liable for accidents and property losses caused by negligence), OSHA felt that additional incentives were needed. OSHA recommended strengthening the award fee system to give additional "weighting" to the judgements of the safety and health professionals participating in the process. OSHA also proposed changes which would tie the rewards and sanctions more directly to the safety and health audit and inspection program.

- Improving DOE's training and technical support capability. Here, OSHA recommended additional training for DOE/GOCO safety and health staff and employees. The safety and health professionals need training in hazard recognition and the OSHA standards; employees and supervisors need job-specific training in the hazards, including chemical hazards, to which they are exposed. In the technical support area, OSHA recommended that DOE consider establishing a technical information exchange program so that written safety and health programs, plans, training manuals, and materials can be shared with the entire DOE/GOCO system.

- Requiring GOCOs to assign higher priority to safety and health programs. At the present time, GOCO managers (and DOE operations officials) sometimes permit production goals to disrupt safety and health programs. As a result, hazards that have been identified are not always corrected in a timely manner, and scheduled preventive maintenance is delayed or not performed. The GOCOs (and DOE oversight officials) need to strengthen the safety and health orientation and training of supervisors and hold managers accountable for safety and health performance. To do this effectively, performance appraisals must include a safety and health "critical element" that is tied to operationally relevant goals and objectives.

To assist DOE in improving its safety and health program, OSHA offered to assist DOE in three major areas:

- Improving DOE's technical information and training capabilities. OSHA will explore with DOE the feasibility of establishing a joint safety and health training effort building on the extensive training capability OSHA already has in place in Chicago, Illinois. OSHA will also explore with DOE the feasibility of using OSHA's Technical Data Center (TDC) to provide safety and health technical information to the DOE/GOCO system.

- Strengthening DOE's independent oversight. OSHA will work with DOE in strengthening its oversight program.

- Continued OSHA evaluation. OSHA has proposed that evaluations of the DOE/GOCO health and safety program, similar to the one just concluded, be continued for a period of two to three years.

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

EVALUATION OF THE U.S. DEPARTMENT OF ENERGY'S OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR ITS GOVERNMENT-OWNED CONTRACTOR-OPERATED FACILITIES

SECTION I: INTRODUCTION

A. PURPOSE

The purpose of this report is to present to Secretary of Energy James Watkins the findings and recommendations of the Occupational Safety and Health Administration's (OSHA) evaluation of the Department of Energy's (DOE) programs for worker safety and health at DOE's government-owned contractor-operated (GOCO) nuclear facilities. (See Appendix A for a complete list of the GOCOs.) The OSHA evaluation is based on an intensive and comprehensive review and analysis of DOE's worker safety and health programs including: written programs; safety and health inspection programs; and the adequacy of resource, training, and management controls. The evaluation began on April 10, 1990 and involved over three staff years before its conclusion. The evaluation was initiated by former Secretary of Labor Elizabeth Dole in response to Secretary of Energy James Watkins' request that OSHA assist him in determining the actions needed to assure that DOE has an exemplary safety and health program in place at its GOCOs.

Secretary Watkins has pursued a vision of excellence for safety and health since accepting the President's nomination for Secretary of Energy, when he promised "I can help find that desired and balanced formula wherein safety is never subverted, environment is adequately protected and other energy objectives are achieved in harmony with each other."

B. CONTEXT

When Admiral Watkins became Secretary of Energy in January 1989, the DOE faced serious safety and health problems. From the 1940's to the present, DOE and its predecessor agencies and contractors had worked largely outside the public eye. The cold war and national security concerns permitted the Department's defense-related activities to operate within a largely self-regulating environment. Because most of the pressures during those years came from national defense concerns, other matters, including worker

safety and environmental protection, received a lower priority. During this same period of time, private sector companies were being asked to comply with an ever increasing series of safety, health, and environmental regulations.

DOE's predecessor agency, the Atomic Energy Commission (AEC) predated OSHA and had a long history of regulating nuclear operations. The Occupational Safety and Health Act exempts from OSHA coverage working conditions over which other Federal agencies have exercised occupational safety and health authority. In a 1974 letter to AEC, OSHA agreed to exempt AEC facilities from OSHA coverage.

However, because AEC and later DOE continued to emphasize production issues over safety concerns, a significant safety, health, and environment performance gap developed between the DOE and its contractor community and the rest of U.S. industry. The problem received widespread public and congressional attention. As a result, upon taking office, one of Secretary Watkins' major goals has been to instill a new culture of safety and health accountability within the Department and its contractors. To deal with these problems, in June 1989 Secretary Watkins announced a Ten-Point Initiative (see Appendix B) designed to strengthen DOE's employee safety and health, environmental protection, and waste management activities at the agency's contractor-operated production, research, and testing facilities.

The Ten-Point Initiative, Secretary Watkins pointed out, was needed in order to change the underlying philosophy and culture within DOE. This culture, he said, "operated on the assumption that the production of defense nuclear materials and a healthy, safe environment were not compatible objectives." Secretary Watkins said that he "strongly disagreed with this thinking." In fact, at his confirmation hearing on February 22, 1989, Admiral Watkins stated "We need to better manage our nuclear weapons facilities to ensure that they are environmentally sound and that they are safe to work in and live around." The Ten-Point Initiative was designed to chart a new course for the Department of Energy and demonstrate DOE's commitment to complying with the nation's safety, health, and environmental laws.

To obtain objective first-hand information on the state of safety and health compliance by DOE contractors, Secretary Watkins, beginning in June 1989, sent "Tiger Teams" consisting of safety and health experts to 18 major facilities. OSHA safety and health professionals served on three DOE Tiger Teams at DOE's Y-12, Pantex, and Mound facilities. The Tiger Team reports indicated that DOE had significant workplace safety and health problems, including non-compliance with OSHA standards and training deficiencies.

Secretary Watkins sought OSHA's continued involvement and expertise in assessing the DOE safety and health program. Secretary Watkins and Secretary Dole agreed that OSHA would perform a comprehensive safety and health program evaluation covering a sampling of GOCO sites. Former Secretary Dole, and Assistant Secretary for Occupational Safety and Health Gerard F. Scannell, both felt that a comprehensive evaluation of the DOE contractor safety and health program would provide DOE with the type of blueprint that was needed for strengthening the Department's programs.

C. FRAMEWORK FOR THE EVALUATION

OSHA evaluated the DOE programs from two perspectives. First, OSHA assessed DOE's efforts based on the standards of performance envisioned in Secretary Watkins Ten-Point Initiative and required by the DOE Orders. Second, OSHA evaluated DOE's program against OSHA's criteria of excellence as exemplified by the agency's Voluntary Protection Program for private sector employers. Under this program a company can qualify for the rating of "Star" if they have working programs in place that fully satisfy all the major safety and health program elements that OSHA used to evaluate the GOCO's: management commitment and employee involvement, workplace analysis, hazard prevention and control, and training.

In summary, OSHA found that none of the GOCOs has an excellent worker safety and health program as compared to Secretary Watkins' Ten-Point Initiative criteria or OSHA's voluntary safety and health program guidelines. Major program deficiencies included lack of effective employee participation, ineffective hazard recognition and abatement procedures, improper recording of injuries and illnesses, and lack of effective employee complaint programs. When GOCOs safety and health performance is judged in relationship to other industries of their size that OSHA inspects, they rank as "average," that is to say, they are not among the worst that we see, nor are they among the best.

OSHA supports Secretary Watkins' commitment to excellence. DOE contractors are, in fact, an elite group, selected because of their demonstrated expertise, academic qualifications, and technological abilities. They are charged with carrying out important activities involving the management of significant risks. Secretary Watkins' Ten-Point Initiative and the DOE Orders both require a commitment to excellence in safety and health. Moreover, the public and the Congress are demanding an excellent safety and health program. The findings and recommendations in this report, therefore, are directed toward the goal of assisting DOE achieve its goal of an outstanding safety and health program.

D. DOE BACKGROUND

The DOE is responsible for the coordination and administration of a wide variety of diverse functions related to the nation's energy needs. DOE was established in 1977 by the Department of Energy Organization Act, which transferred to DOE all of the responsibilities of the Energy Research and Development Administration, the Federal Energy Administration, the Federal Power Commission, and the Power Administrations, and components of the Departments of Housing and Urban Development, the Navy, the Interior, and the Interstate Commerce Commission.

The DOE carries out its nuclear production and processing responsibilities by hiring management and operating (M&O) contractors who operate government-owned contractor-operated facilities (GOCOs) with funds appropriated by the Congress and administered by DOE. DOE GOCOs produce and process radioactive material, develop and operate research reactors, produce nuclear reactor fuel, develop and fabricate nuclear explosives, manage nuclear waste, and perform research involving fossil, fusion, and fission energy. Industrial ("for profit") contractors are usually involved with production, while other ("not-for-profit") contractors, including academic institutions, usually perform research and development.

E. OCCUPATIONAL SAFETY AND HEALTH RESPONSIBILITY FOR GOCOS

When the OSH Act was enacted in 1970, OSHA was assigned authority to regulate workplace health and safety conditions throughout the Nation. However, Section 4(b)(1) of the Act exempts working conditions from OSHA authority to the extent that other Federal agencies exercise statutory authority to prescribe or enforce occupational safety and health standards or regulations affecting those conditions.

DOE exercises authority for the occupational safety and health of contractor employees at GOCOs under DOE Order Number 5483.1A, June 22, 1983. This Order requires DOE contractors to comply with applicable OSHA standards and additional safety and health requirements which DOE has adopted. Primary enforcement is through the threat of non-renewal or cancellation of the contracts.

Major program requirements for GOCOs are set forth in DOE Orders. The Orders adopt most of the OSHA standards, in some cases exceed OSHA standards, and can be changed without formal rule making.

There are three major organizational entities that share the responsibility for implementing DOE's safety and health program for the GOCOs. These are the Office of the Assistant Secretary for Environment, Safety and Health, which has overall oversight responsibility; the operations offices, which have both line and oversight responsibilities; and the GOCOs, which have direct line responsibility.

The Office of the Assistant Secretary for Environment, Safety, and Health (ES&H), as Chart 1 on page 11 indicates, is one of seven Assistant Secretary-level offices. This Office (as Chart 2 on page 12 illustrates) is divided into three major components, Environment, Safety and Quality Assurance, and Health. The Assistant Secretary for ES&H is the principal environment, safety, and health advisor to the Secretary and is responsible for ensuring that the Department's activities comply with environmental, safety, and health regulations. With respect to employee safety and health issues, the Office develops and maintains the DOE Orders, and conducts Technical Safety Appraisals and Tiger Team Assessments. The Office consists of approximately 250 people, including 14 with job titles indicating that they are industrial hygienists or occupational safety and health professionals. All ES&H staff involved with occupational safety and health are located at DOE headquarters in the Washington, D.C. area, except the site representatives. The twelve site representatives, among other responsibilities, conduct safety and health inspections and evaluations. Most site representatives are not occupational safety and health professionals, but possess engineering, health physics, and other technical qualifications.

ES&H headquarters recently upgraded and expanded its industrial hygiene effort and announced the following initiatives:

- An industrial hygiene technical manual will be developed to help DOE contractors manage an effective industrial hygiene program;
- Specific guidance to contractors with respect to handling beryllium and asbestos hazards will be developed;
- The DOE Order dealing with industrial hygiene activities will be revised with the completion date set for March 1991;
- Revised directives for implementing hazard communication programs will be prepared;
- An asbestos management directive providing contractors guidance for dealing with asbestos hazards will be developed; and,

- o A program to test respiratory personal protective equipment used by DOE and GOCO employees will be established at Los Alamos National Laboratories.

The nine operations offices (shown in Chart 3 on page 13) have line reporting to the Under Secretary, the Assistant Secretary for Defense Programs, or the head of the Office of Environmental Restoration and Waste Management. They are also tasked with responsibility for performing the day-to-day monitoring of GOCO safety and health performance as a part of their line responsibility. Chart 4 on page 14, shows the safety and health staffing at the operations offices visited by OSHA to total 47 safety and health professionals. The operations offices are located at or near the GOCO sites for which they are responsible.

The GOCO facility managers are directly responsible for the safety and health of employees working on the sites. Line responsibility flows from facility managers to department heads, through mid-level managers and finally to the shop foremen.

F. PREVIOUS SAFETY AND HEALTH EVALUATIONS OF GOCOS

1. General Accounting Office (GAO) Studies

The manner in which DOE authority has been exercised has been the subject of much study and debate. GAO has issued over 60 reports and testimonies identifying important environment, safety and health problems at the GOCOs since 1980. On January 3, 1980, Senator John Glenn, Chairman of a subcommittee of the Senate Committee on Government Affairs, asked the GAO to investigate worker health and safety at three uranium enrichment plants. GAO's report EMD-80-78, July 12, 1980, which documented deficiencies particularly with respect to the oversight role of the Oak Ridge Operations Office, is typical of later GAO reports. Problem areas included:

- o Failure to perform inspections as required;
- o Lack of safety and health staff;
- o Subordination of safety concerns to production goals; and,
- o Referral of employee complaints back to the contractors from which they originated.

The report included the following significant recommendations:

- o DOE should "provide greater independence and objectivity in the Oak Ridge Operations Office safety and health program through an organizational change to provide insulation between safety and health concerns and production goals and objectives;" and,

- o Congress should give DOE the authority to impose non-reimbursable fines upon contractors for safety and health violations.

The GAO report concluded:

"The problems facing DOE's safety and health program at enrichment plants raise concern about the adequacy and independence of the Department's entire safety and health program."

2. DOE Task Force

In March 1981, an internal DOE task force report on worker safety and health made 18 major recommendations, including the following:

- o Revise DOE Orders;

- o Correct deficiencies noted by GAO;

- o Modify the DOE safety and health organization to allow greater independence and accord it higher priority;

- o Increase operations office staffing for safety and health;

- o Increase headquarters surveillance of operations office regulatory oversight programs; and,

- o Improve procedures for dealing with employee complaints and allegations of reprisal.

3. National Academy of Sciences/National Research Council (NRC) Study

Similar problems were again noted in a 1987 NRC study, "Safety Issues at the Defense Production Reactors." This study was requested by Under Secretary of Energy John A. Herrington shortly after the April 1986, nuclear accident at the Chernobyl Nuclear Power Station in the Soviet Union. Although the study focused on nuclear safety, it contained findings and recommendations applicable to occupational safety. It concluded that the policy, budget, and planning process of the Federal Government had not realistically addressed the aging of defense production reactors. The NRC study also criticized DOE's oversight of the production reactors, characterizing it as "ingrown and largely outside the scrutiny of the public." Among the NRC's findings were:

- DOE has not successfully handled the conflicting requirements of production and regulatory goals;
- DOE national office presence at the sites must be strengthened;
- An entirely new management structure solely responsible for safety should be considered;
- An external advisory committee reporting to the Secretary of Energy should be created;
- DOE must develop its own technical capabilities rather than rely on its contractors; and,
- DOE should improve its safety budgeting and priority setting system.

4. OSHA Participation on DOE Tiger Teams

In the fall of 1989, Secretary Watkins requested that OSHA inspectors participate on DOE Tiger Teams to assess safety and health in specific DOE GOCOs. Three teams of OSHA inspectors participated in compliance inspections at DOE facilities at the Mound Facility, the Pantex Plant and the Y-12 Plant. The findings of these Tiger Teams are similar to the findings from the eight sites OSHA visited during the Summer of 1990.

Serious problems were noted in the following areas: hazard recognition, hazard abatement, safety and health training, and supervisory safety and health accountability.

G. OSHA's SAFETY AND HEALTH PROGRAM EVALUATION

In early 1990, following OSHA's participation on DOE's Tiger Teams, Secretary of Labor Elizabeth Dole and Secretary of Energy James Watkins agreed that the most effective and far reaching use of OSHA's expertise and resources would be a comprehensive OSHA review of DOE's entire program for worker safety and health at GOCOs. This review would be resource intensive and take place over the Spring and Summer of 1990. Its purpose would be to evaluate DOE's safety and health program for its GOCOs and to develop a report for Secretary Watkins with recommendations on improvements needed to assure an effective long-term safety and health program. OSHA was to review DOE's written programs and plans, staffing, organization and procedures and, following that, to visit a representative sampling of GOCOs to determine whether, in fact, the DOE program was effective in the field.

Of the 102 GOCOs DOE controls, OSHA identified 29 sites with the greatest potential for occupational safety and health hazards. This was done primarily by excluding facilities supporting major GOCOs, such as training centers and office buildings. OSHA then selected eight sites which represented a cross section of the GOCOs. All five DOE Program Offices with responsibility for GOCOs were represented, as well as sites with high, medium, and low injury/illness rates. These eight plus the three facilities that OSHA previously reviewed as a participant on DOE "Tiger Teams" covered approximately 40% of all GOCO employees and all nine DOE operations offices. The eight GOCOs reviewed for this evaluation were:

- Ames National Laboratory (Ames, Iowa);
- Lawrence Berkeley Laboratory (Berkeley, California);
- The Component Development and Integration Facility (CDIF) (Butte, Montana);
- The Nevada Test Site (Mercury, Nevada);
- The Pacific Northwest Laboratory (Richland, Washington);
- The Portsmouth Gaseous Diffusion Plant (Piketon, Ohio);

- o Rocky Flats (Golden, Colorado); and
- o The Savannah River Site (Aiken, South Carolina).

Sites OSHA visited as a participant in DOE Tiger Teams were:

- o The Mound Facility (Miamisburg, Ohio);
- o The Pantex Plant (Amarillo, Texas); and,
- o The Y-12 Plant (Oak Ridge, Tennessee).

The evaluation formally began on April 10, 1990, with an opening conference at DOE Headquarters. Assistant Secretary Gerard Scannell described the scope and procedures to be followed in the evaluation to Under Secretary John Tuck and other DOE top managers.

After the opening conference, OSHA began interviews at DOE Headquarters and operations offices. OSHA interviewed management officials and safety and health staff about their role in the program and reviewed written policy and procedural documents. At the GOCOs, OSHA reviewed documentation for the safety and health program, interviewed employees, and conducted walkthroughs to observe the implementation of the safety and health program.

The findings and recommendations of OSHA's evaluation are contained in the following sections:

Section II, Findings and Analysis of DOE's Headquarters Safety and Health Issues;

Section III, Findings and Analysis at DOE's Operations Offices;

Section IV, Findings and Analysis at DOE's GOCOs; and,

Section V, Recommendations.

The two major and inextricably interrelated recommendations of OSHA are:

(1) Strengthen line accountability for occupational safety and health; and,

(2) Implement a vigorous program of independent internal oversight.

These two major emphases will be evident throughout the findings and recommendations contained in Sections II, III, IV and V.

Chart 1

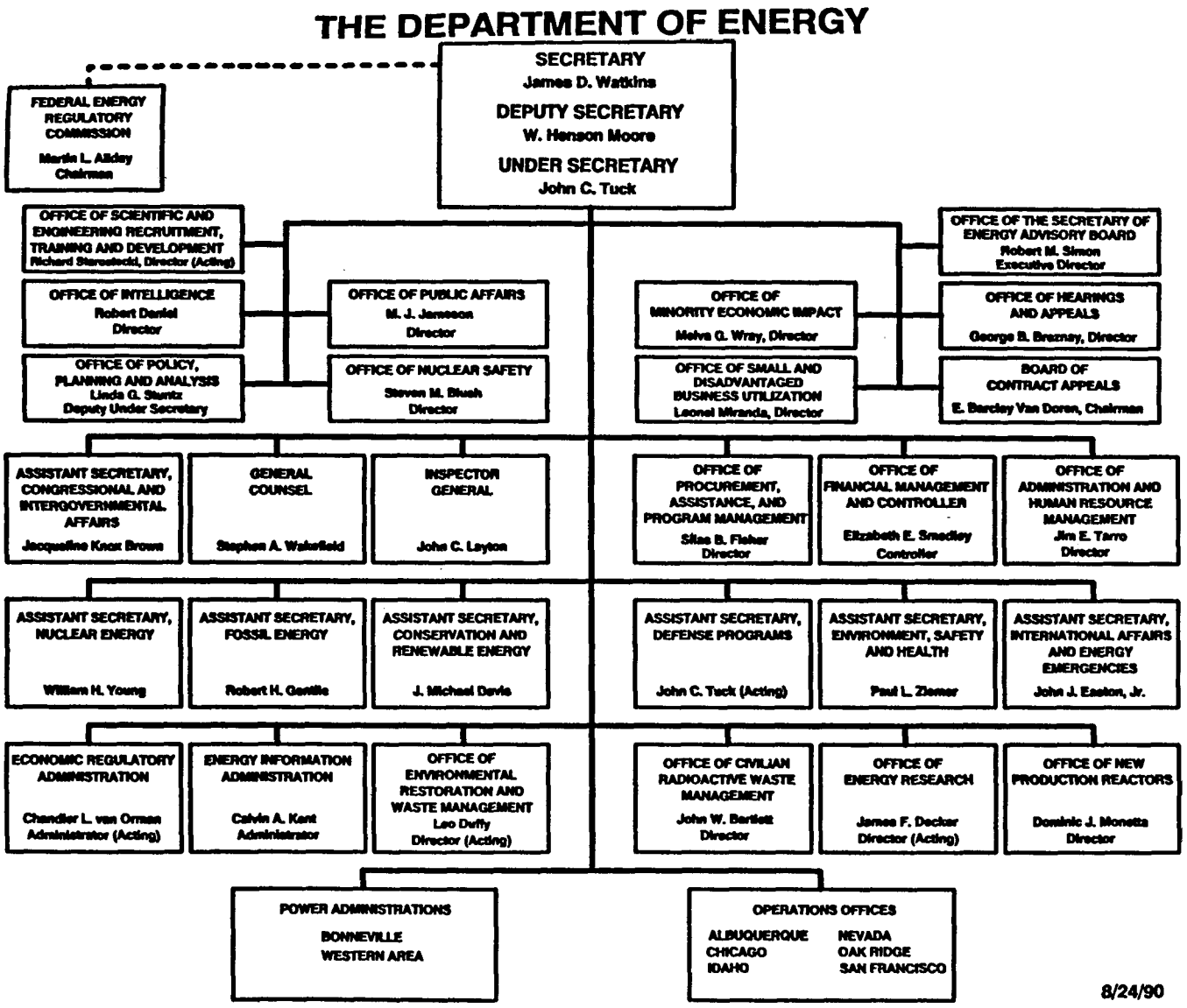

THE DEPARTMENT OF ENERGY
SECRETARY
James D. Watkins
DEPUTY SECRETARY
W. Henson Moore
UNDER SECRETARY
John C. Tuck
FEDERAL ENERGY REGULATORY COMMISSION
Martin L. Allday
Chairman
OFFICE OF SCIENTIFIC AND ENGINEERING RECRUITMENT, TRAINING AND DEVELOPMENT
Richard Starostecki, Director (Acting)
OFFICE OF INTELLIGENCE
Robert Daniel
Director
OFFICE OF POLICY, PLANNING AND ANALYSIS
Linda G. Stuntz
Deputy Under Secretary
OFFICE OF PUBLIC AFFAIRS
M. J. Jameson
Director
OFFICE OF NUCLEAR SAFETY
Steven M. Blush
Director
OFFICE OF THE SECRETARY OF ENERGY ADVISORY BOARD
Robert M. Simon
Executive Director
OFFICE OF MINORITY ECONOMIC IMPACT
Melva G. Wray, Director
OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
Leonel Miranda, Director
OFFICE OF HEARINGS AND APPEALS
George B. Breznay, Director
BOARD OF CONTRACT APPEALS
E. Barclay Van Doren, Chairman
ASSISTANT SECRETARY, CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS
Jacqueline Knox Brown
GENERAL COUNSEL
Stephen A. Wakefield
INSPECTOR GENERAL
John C. Layton
OFFICE OF PROCUREMENT, ASSISTANCE, AND PROGRAM MANAGEMENT
Silas B. Fisher
Director
OFFICE OF FINANCIAL MANAGEMENT AND CONTROLLER
Elizabeth E. Smedley
Controller
OFFICE OF ADMINISTRATION AND HUMAN RESOURCE MANAGEMENT
Jim E. Tarro
Director
ASSISTANT SECRETARY, NUCLEAR ENERGY
William H. Young
ASSISTANT SECRETARY, FOSSIL ENERGY
Robert H. Gentile
ASSISTANT SECRETARY, CONSERVATION AND RENEWABLE ENERGY
J. Michael Davis
ASSISTANT SECRETARY, DEFENSE PROGRAMS
John C. Tuck (Acting)
ASSISTANT SECRETARY, ENVIRONMENT, SAFETY AND HEALTH
Paul L. Ziemer
ASSISTANT SECRETARY, INTERNATIONAL AFFAIRS AND ENERGY EMERGENCIES
John J. Easton, Jr.
ECONOMIC REGULATORY ADMINISTRATION
Chandler L. van Orman
Administrator (Acting)
ENERGY INFORMATION ADMINISTRATION
Calvin A. Kent
Administrator
OFFICE OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT
Leo Duffy
Director (Acting)
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
John W. Bartlett
Director
OFFICE OF ENERGY RESEARCH
James F. Decker
Director (Acting)
OFFICE OF NEW PRODUCTION REACTORS
Dominic J. Monetta
Director
POWER ADMINISTRATIONS
BONNEVILLE
WESTERN AREA
OPERATIONS OFFICES
ALBUQUERQUE
CHICAGO
IDAHO
NEVADA
OAK RIDGE
SAN FRANCISCO
8/24/90

Chart 2

Assistant Secretary for Environment, Safety and Health

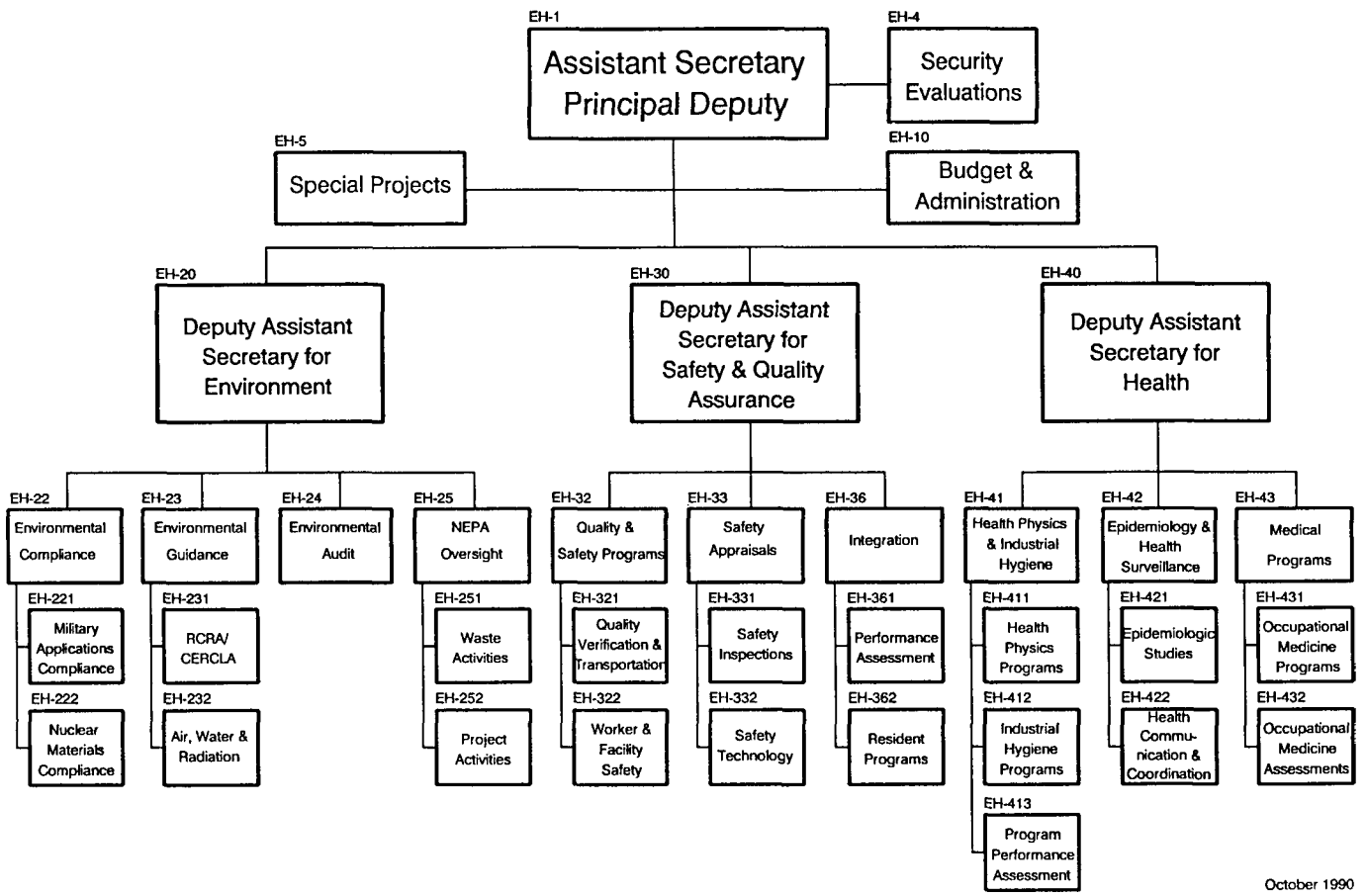


Chart 3

SAFETY & HEALTH OVERSIGHT

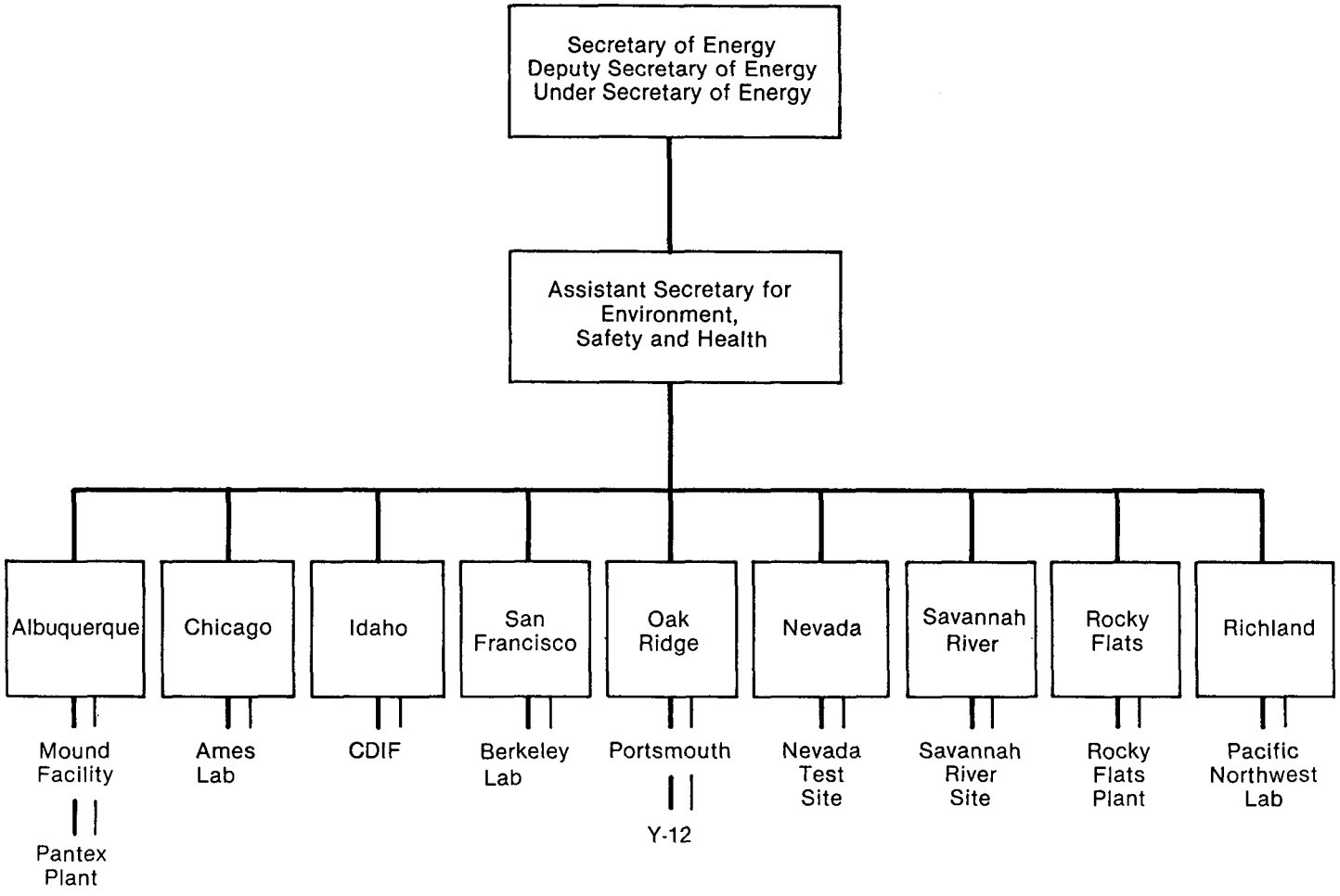


Chart 4

OCCUPATIONAL SAFETY AND HEALTH STAFFING AT THOSE DOE OPERATIONS OFFICES
OSHA VISITED DURING 1990

OPERATIONS OFFICES	SAFETY PROFESSIONALS (excludes Fire Protection Engineers)	HEALTH PROFESSIONALS (excludes Physical Scientists, Health Physicists, and Nuclear Engineers)
CHICAGO	2 (includes supervisor)	1
IDAHO	1	1
NEVADA	18	3
OAK RIDGE	5	3
RICHLAND	1	1
ROCKY FLATS	2	1
SAN FRANCISCO	2	2 (includes supervisor)
SAVANNAH RIVER	3	1 (vacant)
TOTAL	34	13

SECTION II: FINDINGS AND ANALYSIS OF DOE HEADQUARTERS SAFETY AND HEALTH ISSUES

Secretary Watkins has clearly stated his commitment, direction, and interest in improving safety and health conditions at the GOCOs. In June 1989, Secretary Watkins issued a Ten-Point Initiative intended to instill a new culture in the Department--a culture recognizing top management's responsibility for worker health and safety. The Initiative, among other points, called for the establishment of a new management system to ensure direct line responsibility and accountability; contractor award fees were to be altered so that safety, health, and environment were more heavily weighted factors than production and a goal of coming into full compliance with OSHA regulations.

To achieve the changes envisioned by Secretary Watkins, followup actions will be required. This section presents a discussion of issues requiring DOE national office action. The major issues relate to strengthening the two pillars of DOE's safety and health program for the GOCOs: line responsibility for safety and health and independent oversight. OSHA is prepared to assist DOE with this effort; Section V of this report presents recommendations and discusses the assistance that OSHA can provide to enhance the DOE safety and health program.

A. INDEPENDENT OVERSIGHT

1. Findings

a. There is a major conflict within the DOE operations offices because they have been assigned responsibility for ensuring the implementation of safety and health programs and monitoring contractor performance. In turn, they report to higher authorities on that performance. In other words, in reporting on contractor performance, they are indirectly reporting on their own effectiveness in ensuring contractor compliance with environment, safety, and health regulations.

b. The Office of Environment, Safety and Health is not adequately staffed, funded or empowered to conduct effective and independent oversight of worker safety and health.

2. Analysis

a. DOE operations offices ensure the implementation of safety and health programs, monitor contractor performance, and also report to higher authorities on that performance. Activities conducted by the operations offices involving assessing and reporting on GOCO performance include rating the contractors' performance for their CPAF award and conducting investigations of GOCO employees' safety and health complaints and reprisals. These responsibilities, however, create an internal conflict. The operations offices' are in the awkward situation of reporting to higher levels of management on how well the GOCOs are complying with safety and health requirements and regulations and, in turn, they themselves are rated on these same criteria. In effect, if the M&O contractor fails, they fail. The effect of this system is a natural tendency for operations offices to report favorably on GOCO performance. OSHA found evidence that the independence and authority of the DOE safety and health personnel assigned to the operations offices were compromised by this conflict of responsibilities.

Operations offices need to monitor GOCO compliance with safety and health regulations as part of their line safety and health responsibilities. They need to be staffed and equipped in order to conduct inspections and appraisals, identify hazards and safety and health program deficiencies, and track correction of these deficiencies through to completion. The evaluation of DOE operations office and GOCO performance must be in the hands of an impartial body.

b. The Assistant Secretary for ES&H is charged with the primary safety and health oversight responsibility for the GOCOs. However, as ES&H is now structured, it has neither sufficient qualified staff nor the authority to carry out this responsibility. The Assistant Secretary for ES&H has only fourteen staff whose job titles indicate that they are occupational safety and health professionals, such as industrial hygienists, safety and health managers, and safety specialists.

The Assistant Secretary for ES&H has twelve site representatives; these personnel constitute the permanent field presence of this program office. The site representatives, however, have no direct authority over the operations offices or the GOCOs, nor do their reports or findings have any immediate impact. The site representatives are viewed by GOCOs and operations offices as irritants and many of their findings are ignored.

In addition to the resident site representative program, ES&H also conducts Technical Safety Appraisals, Tiger Team Assessments, management reviews, functional appraisals, and other assessments and audits of contractor and operations office operations in order to determine compliance with DOE Orders, safety policies, standards, guidance and good practice. However, ES&H is not appropriately empowered to effect change based on the findings of their audits and appraisals; they do not have the capability to ensure correction of deficiencies identified, to issue penalties, or to directly impact the CPAF award.

While DOE intends that the Assistant Secretary for ES&H play an important role in the award fee determination process, the lack of ES&H staff and the time pressure for handling award fee documents clearly places ES&H in a subordinate role. This role mainly involves reviewing decisions made by the operations offices.

B. DOE'S ORGANIZATIONAL STRUCTURE

1. Findings

The lines of responsibility and reporting for worker safety and health within DOE are inconsistent, confusing and, at times, overlapping. This has resulted in mixed signals to the operations offices regarding the importance of worker safety and health.

2. Analysis

The DOE's organizational structure sometimes results in operations offices and contractors being subjected to confusing, conflicting, and overlapping lines of authority.

Chart 5 on page 26 illustrates how DOE is organized from the standpoint of safety and health responsibility and lines of reporting. Within the DOE, there are two separate organizational modalities. In three operations offices (Richland, Rocky Flats and Savannah River) the lines of safety and health authority (the thin lines) flow from the Program Offices to the operations offices and parallel the lines of reporting (the thick lines) back through the Program Offices to the Office of the Secretary. (This of course is the optimal situation.)

In the remaining offices, the safety and health responsibilities are assigned from the Secretary through the Program Offices and then to the operations offices. However, the lines of reporting follow a different path, flowing from the six operations offices back to the Secretary's office.

The situation becomes even more complex because some of the six operations offices in the center of the chart are responsible for more than one site and therefore may receive safety and health authority from more than one Assistant Secretary. For example, the Oak Ridge Operations Office is responsible for administering both Y-12 and Portsmouth. Safety and health authority for Y-12 comes from the Program Office of Defense Programs, while similar authority for Portsmouth comes from the Program Office of Nuclear Energy.

In addition, OSHA found evidence from field visits that the various program Assistant Secretaries were sending mixed signals to the operations offices with respect to safety and health. For example, at the Component Development and Integration Facility (CDIF) in Butte, Montana, there was a strong indication that the Fossil Energy Program Office and Pittsburgh Energy Technology Center (PETC) priorities favored the achievement of production goals over safety and health measures. At the Nevada Test Site, there were similar indications that production pressures were allowed to override safety activities such as compliance with electrical codes and preventative maintenance operations.

C. DOE'S RELATIONSHIP WITH GOCOS

1. **Findings**

The history of DOE's relationship with GOCOs has been one of partnership with little or no incentives to GOCOs to make worker safety and health a priority. The result of this philosophy has been to relegate safety and health to a lower priority than production.

2. Analysis

DOE's relationship with the GOCOs has several unique aspects that make any type of compliance oversight role particularly challenging. These complicating factors include a partnership role of the DOE with GOCOs, indemnification from most liability and costs associated with accidents and injuries, a production-oriented culture, and conflicting responsibilities at the operations office level.

DOE is part of a unique partnership with management and operating (M&O) contractors. Many of the private corporations and universities were recruited specifically by the Federal Government because of their unique skills and experience. Under M&O agreements, contractors agree to use their skills and personnel to manage and operate a facility which is owned by DOE. Beginning with enactment of the Atomic Energy Act in 1946 (et seq.), the AEC and its successor agencies established partnerships with their contractors. These relationships arose out of the need to accomplish nuclear-related tasks at a time when the risks of this technology were not fully known and when the pressures of the cold war argued for emphasizing production over safety, health and environmental concerns. In these relationships, the line between the M&O contractors and the Federal Government becomes blurred.

Since the contractors are performing work on government-owned sites, under government supervision, and in some cases are using new, unknown, and potentially hazardous technologies, the government has indemnified these contractors against possible nuclear and other losses. Under this broad-based indemnification program, DOE contractors continue to be reimbursed by the government for all costs associated with accidents, explosions, fires, theft, environmental damage, and destruction of government property. Workers' compensation costs--which in the private sector create incentives for firms to operate safely--are an allowable cost under DOE regulations. The DOE may disallow these costs only if they result from willful misconduct or lack of good faith on the part of senior contractor officials.

At the operations offices, DOE remains very much a production-oriented culture. To a large extent, conflicts between production and safety and health have been resolved in favor of production. Numerous examples of this were found, including postponement of preventative maintenance during "crunch periods," operation of facilities despite substantial and long standing safety and health violations, relatively low priority assigned to safety and health abatement, and delays in filling safety and health personnel vacancies.

D. ECONOMIC INCENTIVES

1. Findings

a. There is a need for more and stronger DOE incentives for GOCOs to make worker safety and health a top priority.

b. DOE's implementation of its Cost-Plus Award Fee (CFAP) incentive, while having potential, has not yet brought to bear the pressures of safety and health performance common to private sector employers. (This program was intended to change the criteria for award fee determinations so that safety, health, and environmental performance would account for slightly more than half of all evaluation criteria.)

2. Analysis

a. Recently, a number of significant initiatives have been introduced which may provide safety and health incentives for the GOCO facilities similar to those in effect in the private sector. These events may change the economics of safety and health within the contractor community. Because most of these changes are recent or have yet to be implemented, DOE will need to develop an evaluation strategy to study the impact of these proposals on the GOCO community. These initiatives include:

- Secretary Watkins' Ten-Point Initiative: established the policy that 51% of contractor award fee must be based on safety, health, and environmental performance;
- Proposed DOE rules: proposed increases in the liability and accountability of DOE contractors and proposed restructuring the award fee depending on the type, risk and complexity of the facility;
- Changes in the Price-Anderson Amendments Act of 1988: provides authority to issue civil and criminal penalties to nuclear contractors for violations of rules, regulations, and Orders related to nuclear safety. (No regulations implementing this authority have been issued.);

- o The FY 1989 Defense Authorization Act: created a five member safety oversight board for DOE defense nuclear facilities; and,

- o Criminal prosecution: possible criminal prosecution for violations of environmental laws; recently, employees of a former DOE contractor at the Rocky Flats plant were investigated by a grand jury.

b. Many DOE contractors now operate on a Cost-Plus Award Fee (CPAF) basis. Under these arrangements, contractors are reimbursed for all actual costs, and are eligible for a bonus or award fee based on DOE evaluations of their performance. OSHA evaluated DOE's "51% safety, health, and environment" program as it affected the Cost-Plus Award Fee (CPAF) process. This process is not working as intended, because it is not being implemented properly at the operations office level.

For example, one major contractor went from "excellent" to "marginal" in occupational safety. Because of a number of factors including: the relatively low weighting of occupational safety; dilution of the impact of a low safety rating by higher level reviewers; and, the negotiation of a larger base figure by a risk averse contractor, the total dollar amount for this CPAF period actually went up by $87,000. In another operations office, the workplace safety and health component of the CPAF was weakened because only one of the twelve award fee board members had any safety and health responsibility. In several operations offices, the safety and health professionals who have the most complete knowledge of conditions at the site are not meaningfully involved in the CPAF deliberations. The CPAF process appears largely unchanged by the "51% safety, health, and environment" program emphasis.

E. DOE'S WRITTEN ORDERS

1. Findings

The DOE written Orders are vague, inconsistent and, in part, ineffective. They are not adequate to ensure an effective safety and health program for workers at GOCOs.

2. Analysis

DOE Orders are incorporated by reference into every DOE contract, and therefore must be followed by all contractors. DOE Order 5483.1A, June 22, 1983, establishes the basic safety and health program for all DOE contractor employees at GOCO facilities. Under this Order contractors must:

- Provide a place of employment as free from occupational safety and health hazards as possible;
- Involve employees in all aspects of the safety and health program;
- Assure that all equipment, materials, facilities and operations are in compliance with OSHA standards;
- Comply specifically with OSHA standards (such as (general industry, shipyards, construction, agriculture, shipyards and longshoring) incorporated by reference into their contracts;
- Monitor and record exposures to toxic substances and physical agents;
- Inform employees of their rights, protections, obligations, and responsibilities;
- Investigate and resolve employee safety and health complaints fairly and refrain from discriminating against employees who exercise their safety and health rights; and,
- Investigate accidents and maintain and post safety and health injury and illness records.

This DOE Order also provides employees the right to accompany DOE safety and health inspectors during investigations, establishes procedures for opening and closing conferences in connection with safety and health inspections, and prescribes actions to be taken in the event of an imminent danger situation.

DOE also has Orders on a number of related subjects including: fire protection, occupational medical programs, radiation protection, aviation safety, clear and present danger situations, crane safety, drilling safety, explosives safety, firearms safety, mine and tunnel safety, transportation safety, and vessel safety.

In its 1987 study of DOE's safety program, the NRC report had the following observation regarding the DOE Orders program:

> "The Department of Energy has failed to specify clearly the safety requirements imposed by its Orders, has failed to apply them uniformly ...and has failed to implement them in a timely manner."

Throughout the DOE operations office and contractor community there is universal agreement that the DOE Orders are, in many respects, ambiguous, internally inconsistent, vague, confusing, and time-consuming to maintain and interpret.

Further, the nine DOE operations offices are permitted to interpret DOE Orders. GOCO safety and health officials, therefore believe that the DOE Orders are "subjective" and permit far more latitude than similar requirements imposed under formal government rulemaking.

F. TRAINING AND TECHNICAL ASSISTANCE

1. Findings

DOE operations office, headquarters and GOCO personnel, while having adequate academic backgrounds for their safety and health responsibilities, lacked hazard recognition skills and familiarity with OSHA standards.

2. Analysis

The following groups need additional training in hazard recognition as well as understanding and applying the OSHA standards:

- DOE safety and health staff at both headquarters and the operations offices;
- GOCO safety and health staff;
- First-line supervisors at the GOCO facilities; and,
- GOCO facility personnel assigned safety and health inspection responsibilities.

DOE has only recently provided access to OSHA-type compliance training. Some personnel charged with safety and health responsibilities have not had access to adequate training.

The DOE headquarters is providing minimal technical support on worker safety and health to the GOCOs and the DOE operations offices. OSHA's efforts to provide training to DOE operations office, headquarters, and contractor safety and health staff at the OSHA Training Institute have been helpful. However, given the number of personnel that need training, particularly first-line supervisors, DOE needs to increase the availability of training.

G. PLANNING AND BUDGETING

1. Findings

DOE policy planning and budgeting for worker safety and health is minimal.

2. Analysis

DOE has yet to conduct, at any significant organizational level, a full compliance safety and health budget review leading to a long-range safety and health plan that is tied to meaningful goals, objectives, priorities, and rational allocation of resources.

For example, program Assistant Secretaries do not routinely ask operations office safety and health professionals for advice on whether or not a given level of production or activity can be accomplished within substantial compliance with safety and health regulation.

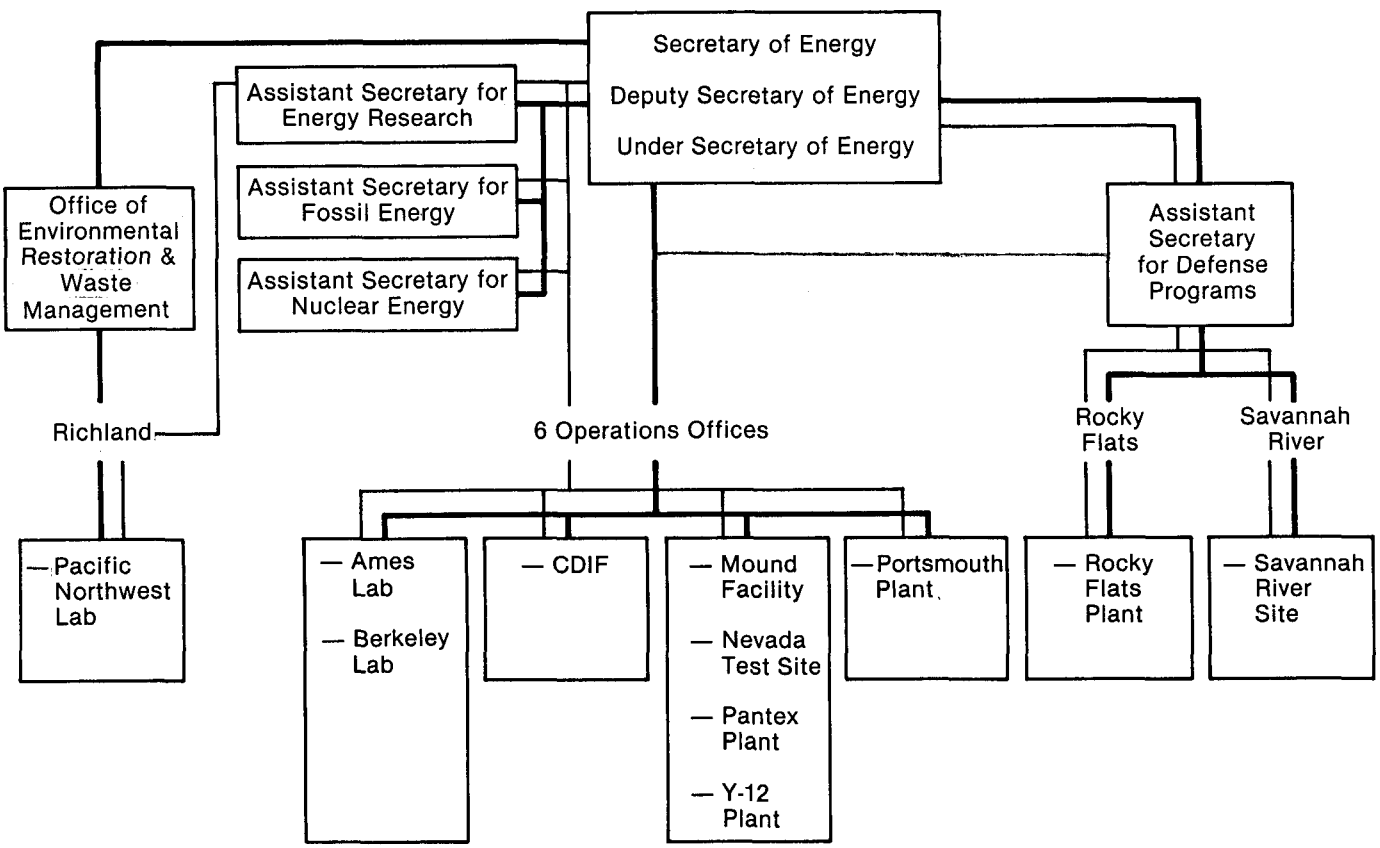
Within the various program offices at the DOE, including Environment, Safety, and Health (ES&H), safety and health budgets are not developed or proposed based on the costs for full compliance with applicable safety and health regulations. Instead, safety and health is integrated into DOE's line agency planning and must compete for its resources with other priorities in the DOE. Oftentimes, safety and health loses out in the competition for scarce resources.

Similarly, safety and health planning at the contractor level does not include a full compliance safety and health budget. In fact, M&O contractors sometimes confuse proposed improvements to facilities with safety and health budgeting. For example, one M&O contractor's budget officer indicated that the full funding of the contractor's proposed modernization plan for the facility should constitute their safety and health budget and should be funded under the banner of "safety and health."

The Assistant Secretary for ES&H is not meaningfully involved in the budget cycle. In this regard, production levels and operations decisions are not adjusted to reflect safety and health or compliance concerns. For example, it has been well documented within DOE, both at the operations office and ES&H levels, that underground operations at the Nevada Test Site were conducted in substantial violation of some applicable safety and health standards. Yet, the exigencies of carrying out the mission continued to override safety issues. At present, ES&H does not have the organizational staffing or authority to require program Assistant Secretaries to adjust their priorities to come into compliance. In some cases, it does not appear that ES&H has sufficient staff or authority to even raise these issues to the Secretarial level for discussion and resolution.

Chart 5

SAFETY & HEALTH RESPONSIBILITY VS LINES OF REPORTING



Thin lines show the flow of safety and health responsibility from the Program Offices to the operations offices. Heavy lines show the lines of reporting from the GOCOs to the Office of the Secretary.

SECTION III: FINDINGS AND ANALYSIS AT DOE'S OPERATIONS OFFICES

DOE has nine operations offices (see Chart 3 on page 13), which are responsible for monitoring the operations of the M&O contractors for the GOCO facilities under their jurisdiction. They are the point of contact for coordinating the activities that the GOCO perform on behalf of DOE. In addition, the operations offices have line responsibility for safety and health , which currently includes responsibility for overseeing and evaluating the GOCOs' performance in terms of their compliance with safety and health rules, quality control, and environmental regulations.

A. MANAGEMENT SAFETY AND HEALTH VALUES

1. Findings

For the most part, DOE operations offices have been and continue to be production-oriented, which has resulted in less attention to safety and health.

2. Analysis

Safety and health is not perceived as mission-related at many operations offices. For example, DOE safety and health inspectors at one operations office identified numerous serious safety and health violations at the facility. The cost of coming into compliance, estimated at several million dollars, was considered prohibitive. However, DOE managers at the operations office indicated that production-related expenditures of the same magnitude were routinely approved and included in the facility budget.

The most valid indicator of an organization's values is the actions that it takes when choices must be made, such as choices between satisfying production versus safety and health needs. Several other examples of choices made at the DOE operations offices between safety and health and the mission appear below.

- The operations offices have tracking systems in place to manage and control production-related tasks, but most have no comparable systems to track the correction status of safety and health hazards and safety and health program deficiencies at the GOCOs.

- Seven of eight operations offices that OSHA visited had serious shortages of safety and health staff. These shortages were so acute that some operations offices' ability to complete their functions required by DOE orders was impaired.

B. CLEAR STATEMENTS OF POLICY

1. Findings

Most operations offices had not taken general safety and health policy documents generated by headquarters and developed specific implementing policy statements. Instead, operations offices generally passed on policy documents received from DOE headquarters to DOE employees and contractors without attempting to make them relevant to the actual conditions at each site.

2. Analysis

Safety and health policy documents found at the operations offices included:

- Secretary of Energy Notices (SEN's);
- The Department of Energy's Ten-Point Initiative; and,
- DOE Orders and boilerplate contract language covering safety and health.

These safety and health policy documents, generated by DOE headquarters, are an important, positive aspect of the DOE's safety and health program. However, specific written statements of safety and health policy tailored to the operations office were not always in place.

Several operations offices had taken steps to develop written safety and health policy statements. For example, at Savannah River, the operations office, working with the M&O contractor, developed a comprehensive statement of the mission, vision and principles under which the site would be operated. The portions dealing with occupational safety and health are:

- "The mission of the Savannah River Site is to serve the national security interest of the U.S. by safely producing nuclear materials while protecting the employees and the public health and the environment;"

- "The Savannah River Site vision is to be the recognized model of excellence for the DOE nuclear weapons complex;" and,

- "We are committed to the highest standards of safety, health, and environmental protection as essential to accomplishing our mission and demonstrating that commitment to the public."

C. PERSONAL INVOLVEMENT

1. **Findings**

Not all DOE operations office managers were actively and visibly involved with safety and health programs at the GOCOs.

2. Analysis

Active participation in the GOCO safety and health programs by operations office managers is an important link in the chain of line accountability extending from the operations offices to the GOCOs. Not all DOE operations office managers were visibly involved in the GOCO safety and health programs. However, many positive examples of personal involvement by DOE operations office managers were seen. OSHA found that some DOE operations office managers participated in regular facility walkthroughs, while others issued memoranda concerning worker safety and health, and still others had made speeches to GOCO employees regarding the importance of safety and health.

D. AUDITS AND FOLLOWUP

1. **Findings**

The findings of external safety and health audits of DOE's operations office safety and health programs, such as GAO reports, have not consistently been implemented.

2. Analysis

GAO studies identified operations office safety and health program deficiencies, such as incomplete inspections, lack of followup to ensure that contractors correct identified hazards, and failure to properly investigate employee complaints and allegations of reprisal. OSHA found these same safety and health program deficiencies during this safety and health

program evaluation. Operations office managers were not consistently held accountable for ensuring that findings of audits were implemented. Safety and health was not always a critical element in managers' performance appraisals.

E. GOALS AND OBJECTIVES

1. Findings

At the operations offices OSHA visited, DOE's overall safety and health goals and objectives were not consistently translated into goals and objectives that could be readily implemented by the M&O contractors.

2. Analysis

Secretary Watkins' stated goal of having the GOCOs come into compliance with OSHA standards within the next five years is an example of a general goal that should be translated into specific goals and objectives for the operations offices and M&O contractors. In the absence of this type of specific safety and health goals, DOE relies heavily on contractor-generated injury and illness rates as the safety and health program goals for the GOCO facilities. The present emphasis on injury and illness rates, rather than more specific safety and health goals, resulted in under-reporting of injuries and illnesses.

F. PLANNING AND BUDGETING

1. Findings

Safety and health needs are not specifically included in the mission-related budget.

2. Analysis

None of the DOE operations offices visited by OSHA routinely developed safety and health budgets which would support specific safety and health goals, objectives, and priorities. DOE operations offices did not require M&O contractors to prepare budgets with a separate line item for safety and health needs, such as costs for correcting hazards. Instead, these items are usually funded in proportion to the overall Department's and facility's budget, rather than the GOCO's specific safety and health needs.

In addition, DOE operations offices have not adequately planned or budgeted for their own safety and health functions. At the operations offices, personnel shortages hamper DOE's ability to review contractor safety and health performance.

G. ACCOUNTABILITY

1. Findings

In many cases, DOE managers' performance standards did not include an element holding them accountable for occupational safety and health at the GOCO facilities.

2. Analysis

Although some top DOE managers' performance evaluations contained boilerplate performance language such as "ensuring that the GOCO facilities operate in accordance with all applicable safety, health, and environmental regulations," these elements are not readily quantifiable nor specific enough to insure accountability. (An example of a specific performance element might be a requirement that DOE officials implement the required five year plan for full compliance with safety and health regulations.)

H. SAFETY AND HEALTH STAFFING

1. Findings

Except for the Nevada Operations Office, all DOE operations offices visited by OSHA had serious shortages of safety and health personnel.

2. Analysis

Chart 4, located on page 14, summarizes safety and health staffing at the DOE operations offices OSHA visited. DOE operations office managers explained the shortages by indicating that "FTEs" were much more difficult to come by than funding. An examination of the hiring that was authorized indicated that safety and health vacancies were not filled because they were not accorded a high priority. Overall, OSHA found that seven of the eight operations offices visited did not have enough safety and health staff to carry out their responsibilities. Two operations offices circumvented

personnel restrictions by hiring contractors to perform safety and health compliance activities. OSHA believes the operations offices should have the resources and capabilities to carry out their safety and health responsibilities.

I. TRAINING AND EQUIPMENT

1. Findings

DOE's operations office safety and health staff do not have sufficient equipment to conduct effective monitoring.

2. Analysis

DOE industrial hygienists do not independently verify industrial hygiene sampling results, but instead rely on data provided by the GOCOs. When conducting health inspections, DOE industrial hygienists rely on GOCO contractors to perform industrial hygiene sampling on their behalf, since they do not possess industrial hygiene sampling equipment or sample analysis capabilities. This compromises their ability to conduct an independent inspection.

Moreover, some operations offices lacked basic safety equipment, such as electrical testing equipment.

J. DOE INSPECTIONS

1. Findings

a. DOE operations office safety and health staff lacked experience in identifying hazards and using OSHA standards, and need more training in these areas.

b. DOE operations office staff did not spend enough time in the field to be effective.

2. Analysis

a. DOE operations office safety and health staff had appropriate education and experience for their work. However, very few possessed compliance backgrounds or a strong familiarity with OSHA standards. At the time of OSHA's review, many of the operations office professional staff indicated that they felt that they needed more training in

the OSHA standards, and were anticipating attending training at the OSHA Training Institute in Chicago to assist them in their work.

b. Some deficiencies identified were due to the inability of operations office staff to spend an adequate amount of time reviewing contractor activities. OSHA found that operations office inspectors conducted infrequent inspections of limited scope and duration. They seldom checked the accuracy of contractor-reported injury and illness rates. Another related problem was the lengthy time required to process needed "Q" clearances. Many recently hired DOE safety and health personnel were unable to perform onsite inspection duties because they had not yet been granted "Q" clearances.

K. AUTHORITY

1. Findings

DOE operations office safety and health staff are not oriented or inclined towards an OSHA-type inspection role. The DOE safety and health staffs' lack of authority has resulted, in many cases, in their being ignored by the M&O contractors.

2. Analysis

Interviews with most DOE operations office safety and health staff indicated that they did not see their primary role as inspectors or monitors. Instead, they saw themselves as "facilitators," informing the contractors with respect to safety and health requirements and reviewing written reports and other contractor-supplied materials.

Operations office and contractor staffs are so close that an insular relationship has developed over the years. OSHA found a flow of personnel from the operations offices to the contractor and vice versa.

These interchanges of personnel have been normal for many years, because the pool of people with the specialized knowledge, skills, and security clearances for work in the nuclear industry is limited to a relatively small number of DOE contractors and federal employees at the operations offices.

In cases where the contractor's salaries and benefits are more attractive than the DOE can offer, the DOE employees move to the more rewarding contractor positions. OSHA found, at three operations offices, that a flow of personnel from DOE to the contractors is currently occurring. A DOE operations office manager informed OSHA that the operations office had difficulty in retaining staff, because qualified DOE personnel were actively sought after by the contractor. However, OSHA is concerned about the appearance of conflict of interest, the independence of the monitoring function, and the integrity of the award fee review process.

Some DOE employees that OSHA interviewed started their careers with the contractors and had left to work with the DOE. Since a major function of the DOE operations offices is to rate the M&O contractors over a wide range of performance criteria, in many cases the former contractor employees will be--directly or indirectly--involved in rating their former or potential employers. This may be compromising the ability of DOE staff to function in an independent capacity.

Sometimes the inspectors and their reports were politely "put on the back burner" or ignored. At the Nevada Test Site, however, the M&O contractor verbally harassed several DOE operations office safety and health staff. The contractor's supervisors, oftentimes, sought to make the DOE inspectors' job more difficult by not returning telephone calls regarding the correction of safety and health hazards identified, arguing about safety and health violations and stating to the inspectors that their presence was a hinderance.

L. HAZARD ABATEMENT

1. Findings

When hazards were identified, operations offices did not consistently set realistic abatement dates, prioritize hazards for abatement according to objective criteria, and formally track hazard abatement.

2. Analysis

Most DOE operations offices did not set abatement dates for the accomplishment of needed corrections, but instead asked M&O contractors to report periodically on the status of correction of hazards identified. As a result, serious and repeat safety and health hazards were uncorrected for long periods of time. In addition, there was little followup to ensure that correction had taken place.

M. COMPLAINTS

1. **Findings**

Improvement is needed in the handling of employee complaints against M&O contractors that are submitted to the DOE operations offices for investigation. The referral of industrial hygiene complaints back to the M&O contractor for initial investigation compromises the independent investigation.

2. Analysis

At the operations offices, OSHA found some instances where GOCO employees' complaints were turned over to the contractors against whom the complaint was being made for investigation and resolution. In addition, operations offices routinely referred the industrial hygiene sampling portion of the investigation of health complaints back to the facilities' M&O contractors, because they did not have sampling equipment necessary to conduct their own investigations.

N. REPRISALS

1. **Findings**

OSHA found instances where allegations of reprisal that were submitted to the operations office were not properly investigated by the DOE.

2. Analysis

DOE referred the investigation of allegations of reprisal to the M&O contractor against whose subcontractors the allegations were made. This practice compromises the employees' rights to an unbiased review of their allegation of reprisal. An effective program to protect employees from retaliation is necessary to ensure employer involvement in the GOCOs' health and safety activities.

In order to better protect DOE contractor personnel from reprisal for disclosing safety and health violations at worksites, DOE has published a proposed rule entitled "Criteria and Procedures for DOE Contractor Employee Protection Program," published in the Federal Register, Volume 55, Number 49, Tuesday, March 13, 1990. The proposed rule, while representing an improvement over existing procedures, has significant shortcomings which must be addressed if the DOE program is to offer adequate protection against safety-related reprisals. OSHA believes that appropriate models for such a program can be found in existing procedures under Section 11(c) of the OSH Act and various other anti-discrimination programs administered by the Department of Labor, as well as in the recommendations for whistleblower protection programs issued by the Administrative Conference of the United States in 1987. OSHA will continue to be available for any consultation or technical assistance needed by DOE in designing its anti-discrimination program. By way of example, the proposed rule is deficient in several respects.

- Who is Covered. The regulation excludes employees of vendors from whom the DOE or a contractor makes purchases of $25,000 or less, and employees of contractors with fewer than 15 employees.

- What is Covered. The regulation only covers complaints to an official of DOE or to a member of Congress. Other complaints that should be covered include: (1) complaints to a contractor, (2) complaints to the union, and (3) complaints to other regulatory agencies. The regulation allows a complaint to be filed with DOE only if the employee has not filed under a State or other applicable law (including filing a union grievance.) The regulation further requires the employee to present certification of the charges and to state that union grievance procedures do not exist or have been exhausted. The proposed regulation is more restrictive than Department of Labor Whistleblower

regulations; OSHA has no such statutory or regulatory restrictions, and finds such restrictions to be excessive.

- Timeframes for Filing a Complaint. The regulation requires that the complainant file the complaint with the DOE within 60 days of the alleged discrimination; a 180 day requirement is more equitable. The Administrative Conference of the United States has recommended a standard 180 day filing time for all existing Whistleblower statutes.

- Role of the Head of the Field Element. The regulation requires a complaint to be filed with the Head of the Field Element. This requirement could have a chilling effect on an employee if the employee feels that this individual is a party to the alleged discrimination. In addition, the proposed regulation gives considerable discretion to this individual in terms of conditions under which a complaint may be dismissed and provides that the Head of the Field Element designate an individual to serve as point of contact for processing the complaint and serving to conciliate the complaint. The Head of the Field Element should not be involved in any of the processing of the complaints. In all Department of Labor-administered Whistleblower regulations, an independent party handles the conciliation, investigation, and the decision-making on the merits of the complaint.

- Hearing. The regulation specifies that the Hearing Officer shall be provided with a copy of the Report of Investigation. In whistleblower protection statutes that OSHA enforces, the cases are reviewed "de novo" (i.e., starting fresh, from the beginning). In other words, the Hearing Officer does not refer to the previously conducted investigation in determining the outcome of the case.

  The regulation provides that parties shall have their own legal representation. The DOL has previously expressed a preference for an administrative enforcement system with de novo hearings in which each party represents itself.

  The regulation provides that the Head of the Field Element will issue findings based on an Administrative Law Judges' recommended findings.

It is inappropriate to lower the decision-making level to such a degree as suggested in the DOE regulation.

- o Implementation of Decision. There is no provision specifying what action is to be taken when a contractor does not comply with the Secretary's Final Order.

DOE's proposed rule, while representing an improvement over existing procedures, has significant shortcomings which must be addressed if the DOE program is to offer adequate protection against safety-related reprisals. OSHA believes that appropriate models for such a program can be found in existing procedures under section 11(c) of the OSH Act and various other anti-discrimination programs administered by the Department of Labor, as well as recommendations for whistleblower protection programs administered by the Administrative Conference of the United States in 1987. OSHA will continue to be available for any consultation or technical assistance needed by DOE in designing its anti-discrimination program.

CONCLUSION

The findings of external safety and health audits of DOE's operations office safety and health programs, such as GAO reports, have not consistently been implemented. GAO studies identified operations office safety and health program deficiencies, such as incomplete DOE inspections, lack of followup to ensure that contractors correct identified hazards, and failure to properly investigate employee complaints and allegations of reprisal. OSHA continued to find these same safety and health program deficiencies during this safety and health program evaluation.

Two conflicts at the operations offices make their task of evaluating GOCO safety and health performance extremely difficult, if not impossible. First, the DOE operations offices have permitted a conflict of missions to develop between production and safety. Second, an unrealistic expectation has been placed upon the operations offices that they will both implement GOCO safety and health programs and critically evaluate their own and GOCO success in program implementation. OSHA found evidence that the independence and authority of the DOE safety and health personnel assigned to the operations offices was compromised by this conflict of responsibilities. Although the DOE has taken some steps to hold line managers accountable for safety and health, line managers cannot be truly held accountable unless an effective, vigorous, and independent DOE safety and health oversight organization is in place.

SECTION IV: FINDINGS AT THE GOCO FACILITIES

This section summarizes major findings regarding DOE's safety and health program at the GOCOs. OSHA addressed occupational safety and health issues (excluding radiological health) at the GOCOs. Three teams, composed of a minimum of three people per team, conducted evaluations at eight facilities that had not previously been reviewed by OSHA participants on DOE's Tiger Teams. At the GOCOs, OSHA reviewed documentation (including written programs required by health standards, safety and health complaint records, and safety and health manuals), conducted interviews, and made a walkthrough of selected buildings to determine how well the safety and health program actually operated at the GOCOs.

A. MANAGEMENT COMMITMENT

1. Findings

Safety and health was not a priority for all GOCO managers and supervisors.

2. Analysis

While OSHA often found strong verbal commitment at the highest levels of GOCO management, there were pockets of resistance to the new emphasis on safety and health even among a few top GOCO managers.

At the GOCOs, the highest level of management (i.e., the contractor's facility manager) expressed a strong commitment to safety and health. Many had recently taken actions intended to demonstrate this commitment, including participating in walkthroughs to identify hazards, discussing safety issues in top management meetings, and issuing memoranda to all staff regarding safety and health.

Most top GOCO managers similarly expressed a strong commitment. Surprisingly, however, one top level manager stated that occupational safety and health was not a fundamental organizational value, warranting his total commitment and involvement; rather, he saw the emphasis on safety and health as a hinderance to the facility's mission. In other cases, top managers, while not openly stating such a belief, did not demonstrate a strong commitment to safety and health, and the safety and

health program implemented in their departments was weakened as a result.

Extensive resources and effort have been devoted to improving the attitudes towards safety and health at the facilities. Notwithstanding, the culture change needed to institutionalize the focus on safety and health has not occurred. Mid-level managers and supervisors have yet to fully accept the changes that have been implemented at the top. OSHA found that the stated commitment to occupational safety and health among mid-level managers was weaker than that of top-level managers, but greater than that at the foreman (supervisory) level.

Quite often, the top GOCO management commitment did not filter down to mid-managers or shop foremen. As a result, the contractor's safety and health staff at most sites lacked the ability to ensure compliance with safety and health regulations. Long-term uncorrected hazards were common. As an additional illustration, when OSHA was onsite at one facility, a union employee was refused official time to participate in the OSHA walkthrough by his supervisor and mid-level manager. Top level management countermanded the refusal of the employee's supervisor and manager after being informed by the union, and allowed the employee to participate. Unfortunately, word that permission had been granted for the employee to participate came too late; the OSHA walkthrough was already in progress.

Most GOCO top managers were not rated on their safety and health performance. At one site, a fatality occurred that was caused by deficiencies in the safety and health program. However, when OSHA reviewed the performance evaluations for responsible managers, there were no negative consequences for the safety and health management mistakes that contributed to the fatality.

B. EMPLOYEE INVOLVEMENT

1. Findings

Employee and union involvement in safety and health matters at most facilities was usually minimal.

2. Analysis

Although most facilities held regular (at least monthly) safety meetings, the discussions involved top-down transmitting of information and could not be said to be participatory in nature.

Employee-management safety and health committees were not in place at all facilities. Where safety and health committees were in place, union representatives were not consistently included in the committees. The primary focus of the safety and health committees at most facilities was the resolution of employee safety and health concerns. This focus, while important, was not expanded to provide a forum for greater employee involvement. In fact, at one facility with a very active safety and health committee, OSHA found that the employees involved in the safety and health committees were unaware of safety and health policy changes made by management that directly affected their work on employee complaints.

Another aspect of employee involvement that concerns OSHA is that employees and employee representatives were not asked to participate in safety and health inspection activities at most GOCOs.

C. PLANNING AND BUDGETING

1. **Findings**

Specific goals and objectives related to safety and health, a schedule for their implementation, and a method of documenting their accomplishment were not in evidence at most of the facilities.

2. Analysis

When present, site-wide safety and health goals consisted largely of numerical targets for low numbers of record-able recordable injuries and illnesses; objectives for accomplishing these goals have not been developed.

Contractors develop a three-year budget plan, based on the Federal budget cycle. Safety and health budgeting primarily consists of developing budgets for personnel, contracts, and equipment within the safety and health sections. Other safety and health costs, such as those necessary to achieve compliance with safety and health standards, are not included in the budget process. Each

department develops its own budget, which does not explicitly identify needed safety and health expenditures. The safety and health sections of these GOCO facilities do not routinely review the budgets to assure that the funding needed to correct identified hazards has been requested by each of the departments.

D. DOCUMENTATION AND IMPLEMENTATION OF SAFETY AND HEALTH PROGRAMS REQUIRED BY SPECIFIC OSHA STANDARDS

1. Findings

GOCO compliance with expanded standards was mixed.

2. Analysis

In addition to traditional safety and health standards, OSHA has a small group of standards, sometimes referred to as "expanded standards," that require employers to develop written programs, train workers, perform medical and environmental monitoring, and keep records. One example of this type of standard is OSHA's hazard communication standard. Because of their complexity, OSHA considers these standards to be a sort of litmus test of a facility's safety and health program.

Specific problems included:

- Energy Control (lockout/tagout): Not all facilities had developed written programs as required by OSHA standard 1910.147. Some written lockout/tagout programs were incomplete in that they did not address equipment with potential residual energy, multiple energy sources or sources that are tagged out. Deficiencies in the implementation of the written program included lack of certified energy control training, and lack of durable, weatherproof tags.

- Hazard Communication: Most facilities used commercially available video-taped training programs to provide employees with a general overview of the standard. Frequently, this training was not properly supplemented by hazard-specific training.

  As a result, employees were not always familiar with the hazards associated with the particular chemicals with which they were working. For example, one employee working with chlorine was not

aware of all of the health and physical hazards of that chemical.

- o Confined Space Entry: Most facilities had written confined space entry programs; however, OSHA identified problems with the implementation of the written programs, such as inadequate testing during occupancy, improper identification of entry areas to confined spaces, and lack of mechanical ventilation. At one facility, employees were found entering a sewage lift station without attached life lines, rescue equipment, or continuous monitoring devices for measuring the levels of oxygen and combustible gas.

- o Trenching: Trenching operations in violation of OSHA's standard were observed at two facilities. Violations included failure to identify a competent person, failure to perform soil analysis, failure to identify the location of underground utilities and failure to provide proper shoring.

- o Bloodborne Diseases: Many emergency medical facilities and clinics were not in compliance with universal precautions. For example, health care personnel did not always wear required personal protective equipment; contaminated laundry and dressings were not always placed in labeled impermeable bags; and written programs had not always been developed. As a result, emergency medical workers were at risk of contracting blood-borne diseases, such as hepatitis and acquired immune deficiency syndrome.

E. WORKPLACE INSPECTIONS

1. Findings

a. Although well-qualified academically, some GOCO safety and health professionals lacked hazard recognition skills that can only be developed with on-the-job experience.

b. Safety and health professionals did not spend sufficient time inspecting the GOCOs.

c. Baseline safety and health inspections have not been conducted at most facilities.

d. Routine industrial hygiene monitoring was not performed at most sites.

2. Analysis

a. GOCO safety and health professionals tended to identify easily recognizable hazards during their inspections, such as housekeeping violations. GOCO safety and health professionals could benefit from additional training and experience in using the OSHA standards, so that they could identify a wider range of hazards.

b. Safety and health managers did not set targeted percentages of time that safety and health professionals were to spend in the facility. GOCO safety and health professionals should be spending a significant portion of their time on inspection-related duties.

Although the number of contractor safety and health staff was adequate at most facilities (See Chart 6, on page 54, "Safety and Health Staffing at the GOCO Facilities."), these resources were not always used effectively. For example, most GOCO safety and health professionals were not cross-trained to recognize and refer hazards to professionals of the opposite discipline; safety professionals did not spot potential health hazards and refer the hazard to a health professional for further evaluation, and vice versa. In addition, safety and health professionals who had developed expertise in a particular process within GOCO were not always assigned work that would best use this expertise. Instead, another safety and health professional with less expertise would be assigned to cover the process. The less experienced individual would be required to spend considerable time learning about that particular process.

c. Baseline safety and health inspections provide the basic information which the safety and health staff uses to organize and plan the site-specific program. Contractor safety and health staff told OSHA that responding to complaints, audits, and other priorities hindered their ability to conduct planned, comprehensive surveys.

d. Routine industrial hygiene monitoring is necessary to ensure that exposure levels to airborne contaminants are not exceeded. Most of the safety and health surveys conducted were in response to requests for assistance. Formal planning mechanisms were not in place at most facilities to select work areas for regular inspection. (One exception to this was a facility that had an inspection schedule based on identified seriousness of the hazards present in each building at the facility---every building had a scheduled inspection frequency [once every one, two or three years] based on the schedule.)

OSHA found the following examples of deficiencies in the industrial hygiene programs at the facilities reviewed:

- o Sandblasting operations were not monitored for silica exposures;
- o Required lead monitoring had only recently been initiated at one facility;
- o Cadmium exposures had not been monitored in the past three years at another facility;
- o Several facilities relied on area sampling results instead of collecting personnel samples; and,
- o Industrial hygiene monitoring programs did not always cover the full spectrum of hazardous chemicals to which workers were exposed.

Industrial hygiene monitoring data was not readily retrievable at most of the facilities. In comparable facilities in the private sector, automated systems provide easy access to the industrial hygiene data, so that responsible individuals can plan sampling, conduct industrial hygiene inspections, and identify needed training.

The health professionals were provided with all necessary sampling equipment in all facilities that OSHA reviewed. Safety professionals, however, often did not possess basic equipment, such as electrical testing

equipment, wire rope gauges, sheave gauges, etc., necessary to conduct a thorough safety inspection.

F. COMPLAINTS

1. **Findings**

The GOCOs did not have effective employee safety and health complaint procedures and programs.

2. Analysis

The GOCOs complaint handling programs had one or more of the following deficiencies:

- o Absence of written procedures;
- o Failure to respond in a timely manner;
- o Lack of tracking systems to ensure that corrections were implemented;
- o Incomplete evaluations;
- o Failure to notify complainants of findings;
- o No mechanism to handle anonymous complaints;
- o Referral of complaints to the same work group or trade that created the hazard; and,
- o Lack of employee knowledge of complaint procedures.

G. REPRISALS

1. **Findings**

In some instances, GOCO employees who complained about safety and health were subjected to reprisal.

2. Analysis

OSHA questioned workers and worker representatives about reprisals at the eight sites visited. Allegations of reprisal were found at four of the eight sites. At two sites, employees had been transferred or assigned to less desirable jobs when they complained about safety and health.

H. HAZARD ABATEMENT

1. Findings

In non-laboratory GOCOs, long term uncorrected hazards and safety and health program deficiencies were common.

2. Analysis

At one facility, some 5000 hazards had gone uncorrected for at least a year because area supervisors did not recognize these items as a major priority. At another location, inadequate ventilation and improper electrical wiring was uncorrected for approximately 6 years.

There were also several program deficiencies recognized in previous GAO, NRC and Tiger Team studies that remained unchanged. For example, in 1980, GAO identified problems such as the lack of safety and health staff, failure to perform inspections, and a faulty complaint program. In 1981, an internal DOE study recommended improvement in the DOE's complaint and reprisal procedures as well as suggesting an increase in safety and health staff. As late as 1989, the Tiger Teams identified serious problems in DOE's program including an inadequate hazard abatement capability. These problems were the same as those found during this evaluation.

At most sites, management systems had not been developed to prioritize hazards, establish abatement dates, and effectively track abatement through to completion. In addition, GOCO safety and health staff at most sites could not ensure compliance.

I. RESPONSIBLE RECORDING OF INJURIES AND ILLNESSES

1. Findings

Serious recordkeeping problems were identified in approximately half of the facilities in which OSHA performed recordkeeping reviews.

2. Analysis

Accurate accident reporting is particularly important because contractor performance award fee ratings in safety and health are often tied to injury and illness statistics (recordable cases and/or the lost workday

incidence rate). Several contractors provide performance awards to managers or supervisors based on the numbers of recordable cases. Many problems stem from the adoption of injury and illness rates as safety and health program goals and objectives.

OSHA identified significant problems with recordkeeping:

- At one facility, the actual LWDI was three times higher than the facility reported. Based on OSHA's review of the injury and illness records, the recorded LWDI rate of 0.86 for a two year period should have been 2.57.

- At another facility, in 1989, 24 workers experienced significant occupational losses of hearing (hearing threshold shifts of 25 dBA or greater) which were not recorded. Thirteen of the threshold shifts were bilateral (both ears).

- At another facility, 44 cases in a ten-week period were either not recorded or were misclassified as "non-recordable."

- At a multi-employer facility, three different contractors failed to record 120 cases over a six month period.

- At another facility, 72 cases were either not recorded or were misrecorded for the six month period from November 1, 1989 to April 10, 1990.

- At many facilities, contractors used work restrictions to avoid lost time injuries. This raises serious questions as to whether or not workers are being provided adequate healing time. For example, at one facility, 76 bone fracture cases resulted in only nine lost time cases.

J. HAZARD CONTROL

1. Findings

a. Interim protection measures were not widely used to minimize employee exposure to identified hazards prior to the implementation of required controls.

b. OSHA identified several instances where engineering controls were feasible and contractors were relying instead on personal protective equipment.

2. Analysis

a. In some cases, for example when new equipment or remodeling is required, it is not possible to immediately correct a safety and health hazard using the best available technology. In these cases interim protection measures, such as training employees to be aware of identified hazards or establishing warning zones, should be put in place.

b. In the safety and health profession, and within OSHA, it is widely recognized that, whenever feasible, engineering controls (e.g. , permanent solutions) should be put in place rather than relying on personal protective equipment. Personal protective equipment places burdens on employees and is less effective. Engineering controls for reducing or eliminating excessive exposures to such health hazards as air contaminants were generally used appropriately.

However, at one facility, personal protection was the primary means of employee protection against noise and dust exposure. In another facility, employees using jackhammers were told to wear hearing protection as their primary protection against hearing loss, even though mufflers could have been affixed to the jackhammers to minimize noise exposures. Sometimes, in isolated operations, protective equipment was used as a permanent alternative to feasible engineering controls. For example, workers were asked to wear personnel protective equipment while dry sweeping lead dust in a firing range, rather than utilizing a high efficiency vacuum.

Personal protective equipment was readily available and was maintained in good condition at all facilities. Employees were generally aware of the conditions where personal protective equipment was required, and they knew when, why, and how to use it.

Most facilities had good preventative maintenance programs. However, some contractor preventative maintenance schedules were allowed to slip during production pushes.

K. HAZARD ANALYSIS

1. **Findings**

a. Pre-operational analysis for unusual or uncommon risks is being carried out at most sites.

b. Job hazard analysis is not conducted for routine operations unless they are high hazard.

c. Supervisory accident investigations frequently blamed the employee, rather than looking for further underlying causes.

2. Analysis

a. New operations, facilities and processes identified as presenting potential hazards are reviewed in the design stages at all facilities. All facilities conducted pre-operational reviews and some conducted mock runs before processing products such as explosives or nuclear materials. This pre-operational analysis is mandated by DOE Order 5481.1B, for unusual or uncommon risks, and is, in fact, being carried out at most sites. An exemplary pre-hazard analysis of high hazards for semiconductor operations at Lawrence Berkeley Laboratory was conducted. At Rocky Flats, systems safety and job hazard analysis have been incorporated into the clean-up of duct work and the resumption of production operations. System safety analysis and job hazard analysis will be completed before work activity can be resumed.

b. Job hazard analysis is not conducted for routine operations unless they are high hazard. At one facility fall protection was not provided for employees involved in routine maintenance operations because this problem was not identified during the design stage.

c. Supervisory accident investigations, which are an integral part of a hazard analysis program, frequently blamed the employee, rather than looking further for underlying causes, such as a lack of training. In Savannah River, a review indicated

that of 100 work-related accident reports the investigating supervisor identified employee error as the primary cause in 87 of these accidents. OSHA's experience in investigating accidents demonstrates that the most common cause of accidents is unsafe conditions, not employee error.

L. MEDICAL SERVICES

1. Findings

a. At one site, pressure was exerted on medical staff to minimize the number of recordable injuries by using work restrictions.

b. Physical examinations were not provided as often as required by certain OSHA standards.

2. Analysis

a. At most sites, responsibility for providing onsite safety and health services and medical monitoring for all contractor employees is provided by the M&O contractor. At one of these sites there was pressure exerted on medical staff to minimize the company's count of recordable injuries by using work restrictions. A worker who had surgery for carpal tunnel syndrome was returned to work on medical restriction the day following surgery, while an employee in the private sector typically is given six weeks healing time.

b. Another area of concern was the use of inappropriate medical surveillance. At one site, urine analysis was used instead of blood lead analysis to estimate how much lead was absorbed by workers. Also, for the most part, physical examinations were not provided as often as required by OSHA standards. For example, employees exposed to lead were not tested for lead exposure at appropriate time intervals and audiometric testing was not provided annually as required.

M. TRAINING

1. Findings

Specific training required by some OSHA standards had not been provided at all facilities.

2. Analysis

- Hazard Communication Standard: Interviews with workers at all facilities that OSHA reviewed revealed that they had not been provided with specific chemical hazard training required by OSHA's Hazard Communication standard. For example, welders were not informed of the hazards inherent in the use of welding rods and specific metals with which they worked. Some employees working with solvents, paints, and degreasers were not aware of the specific hazards associated with their jobs.

- Trenching and Shoring: Trenching operations in violation of OSHA's standard were observed at two facilities. Employees need additional training to assure their understanding of key requirements of the standard, such as identifying a competent person, performing soil analysis, identifying the location of underground utilities, and providing proper shoring.

- Confined Space Entry: This training need was documented at several facilities that OSHA reviewed. At one facility, personnel responsible for evaluating and monitoring confined spaces were insufficiently trained. For example, employees were not aware of the conditions under which the Oxygen/LEL meters would give a false reading, or how to monitor for other potential contaminants such as welding fumes and gases.

- Lockout/tagout: Training was not provided to affected employees at all facilities.

- Hazardous Waste Training: Employees who were grinding and casting solid hazardous waste were not provided with forty hours of hazardous waste training, which is required by OSHA standards. The employees were only provided with twenty-four hours of training because of the M&O contractor's interpretation of the training requirements of OSHA's standard 1910.120.

- Noise: Employees at several facilities who are exposed to noise in excess of 85 dBA over an eight-hour period had not received noise training. In addition, where the annual noise training was provided, it was deficient in that the trainer did not inform employees of the advantages, disadvantages, and attenuations of various types of hearing protectors available.

Tracking systems to accurately identify employees who need training or require retraining are haphazard and inconsistent. Several GOCOs are working towards the development of a centralized tracking system to assure that the employees receive the needed area-specific and job-specific training they require.

Some facilities used computer-based training for such areas as respirator certification and hazard communication. While these training programs were adequate, they did not afford the trainee an opportunity to ask questions.

N. OTHER TRAINING

1. Findings

Line managers and building managers as well as employees assigned safety and health responsibilities frequently were not trained in the safety and health hazards of the jobs under their span of control.

2. Analysis

Supervisors told OSHA that they felt the need for additional training in safety and health hazard recognition and OSHA standards.

Building managers and other employees have been assigned responsibility for identifying and correcting hazards, but, in many cases, have not been given the training that they need to support them in this assignment.

CONCLUSION

The GOCOs generally have sufficient safety and health staff to implement effective safety and health programs. However, despite the level of staffing dedicated to safety and health at the GOCO facilities, none have a superior safety and health program. Deficiencies were found in each of the four aspects of safety and health programs; (1) management commitment and employee involvement, (2) workplace analysis, (3) hazard prevention and control, and (4) training. These safety and health program deficiencies can be traced to the fact that GOCO managers have not assigned occupational safety and health a high enough priority. Because of the low priority placed on safety and health, facility safety and health programs were not implemented with the same planning and followthrough associated with the other activities at the facilities.

Chart 6

SAFETY AND HEALTH STAFFING AT GOCO FACILITIES

Facility	*Safety & Health Professionals*	*Part Time S & H Professionals?*	*Adequate[1] Staffing?*
Ames National Laboratory	*1 - Health* *2 - Safety*	*2 Safety part time*	*yes*
Lawrence Berkeley Laboratory	*1 - Health* *2 - H Tech* *2 - Safety* *1 - S Tech* *1 -Trng Officer*	*all full time*	*no*
Component Development and Integration Facility	*1 - Health* *1 - Safety* *1 - S&H* *1 - Loss Cntr'l*	*Loss Control part time*	*yes*
Nevada Test Site	*43 - Health* *16 - Safety* *5 - S&H*	*all full time*	*yes*
Portsmouth Gaseous Diffusion Plant	*6 - Health* *5 - H Tech* *7 - Safety*	*all full time*	*yes*
Pacific Northwest Laboratory	*3.1 FTEs - Health* *2.3 FTEs - Safety*	*all part time on DOE work*	*yes*
Rocky Flats Plant	*12 - Health* *15 - Safety*	*all full time*	*yes*
Savannah River Site	*10 - Health* *10 - Safety*	*all full time*	*no*

[1] *R. Simonds and J. Grimaldi, Safety Management, (Homewood, Illinois: Richard D. Irwin, Inc., 1963)*

SECTION V: RECOMMENDATIONS[1]

A. HEADQUARTERS-LEVEL RECOMMENDATIONS

1. Develop and implement a vigorous independent DOE program of internal oversight, which would include independent monitoring and real authority to influence financial awards or organizational prestige.

2. The oversight system should parallel OSHA to the extent possible; that is, it should include compliance inspections and safety and health program evaluations carried out by a cadre of well-trained, fully equipped inspectors; rotating safety and health personnel periodically would ensure independence.

3. Empower the Assistant Secretary for Environment, Safety and Health to represent the Secretary on issues affecting the safety and health program as it is carried out by oversight DOE operations offices and GOCOs. ES&H should perform the following functions:

    - Evaluate and report to the Secretary of Energy on DOE operations office and contractor compliance with OSHA regulations;
    - Resolve "conflict of missions" issues concerning production and safety;
    - Evaluate how effectively line safety and health responsibilities are being carried out within each management category; for example, program office Assistant Secretaries, operations offices, and GOCOs;

---

[1] Appendix "C" suggests one way in which safety and health activities performed by the Assistant Secretary for ES&H, the Operations Offices, and the GOCOs could be reassigned.

- o Make final determinations with respect to economic incentives (award fees) and penalties or other sanctions;

- o Investigate safety and health complaints filed with ES&H and all allegations of reprisal, in accordance with appropriate regulations to be developed by DOE;

- o Assist GOCOs and DOE operations offices by providing technical advice, systems safety reviews, interpretations of regulations, liaison with regulatory agencies, research, and evaluation;

- o Develop the capability to become proactive, anticipating new regulations such as blood-borne diseases and lockout/tagout; and,

- o Ensure that only one set of safety and health evaluation reports on operations office and GOCO compliance is generated and that it emanates from the Assistant Secretary for ES&H.

4. Develop and implement stronger incentives so that DOE contractors face pressures similar to those found in the private sector where there are no indemnifications from lawsuits, negligence or reimbursement for workers' compensation claims and there are immediate financial consequences for failing to provide an effective safety and health program.

   For example, within the CPAF structure, consider assigning either numerical or dollar values to levels of safety and health violations. These dollar values could be automatically subtracted from the available award fee pool at the time of an inspection. Some "credit", in the form of numerical or dollar value incentives, could also be provided for achieving agreed-upon levels of compliance or for abatement of hazards.

   DOE could also offer public recognition to contractors with outstanding safety and health programs. This recognition could be an especially effective form of incentive.

5. Augment DOE's internal oversight by requesting OSHA to conduct external evaluations similar to this safety and health program evaluation at two or three GOCOs annually.

The length of time these evaluations can be provided, the resources, costs, and FTEs associated with them would need to be negotiated between DOE and OSHA.

6. Ensure that top managers are held accountable and responsible for safety and health. Written statements of safety and health policy and accountability standards holding managers responsible for measurable safety and health goals should be put place.

7. Clearly articulate National safety and health goals and objectives, and require operations offices and contractors to develop meaningful safety and health goals and objectives.

   Ensure that safety and health goals provide the basis for budget, planning, and resource allocation decisions at the GOCOs and operations offices.

   Buttress goals and objectives with accurate injury and illness reporting systems, improved management accountability systems, long-range planning, assessment of priorities, and rational resource allocation decisions.

   Ensure that operations office line management review the contractor's proposed expenditures for safety and health in relation to the facility's production goals and overall mission. The budgets should account for all safety and health expenditures, not just expenditures for contracts, staffing, and equipment.

8. Create, maintain, and operate a GOCO technical information exchange program. Specifically, OSHA recommends that DOE obtain copies of all major safety and health programs developed or funded under DOE contracts from all contractors (e.g., programs for hazard communication, confined space entry program, lockout-tagout procedures, bloodborne diseases, asbestos removal, noise, and hazardous waste operations). After peer review, the best programs in each category should be made available throughout the DOE contractor community as examples and guidelines. DOE could set aside some portion of the award fee pool for contractors that make significant contributions to the program. To assist DOE, OSHA could also explore the feasibility of providing DOE with support from OSHA's Technical Data Center (TDC) on a cost-reimbursement basis.

9. Establish a top-level safety and health advisory committee, primarily composed of safety and health professionals from the contractor community, unions, and national and operations office level DOE safety and health staff. Consider drawing on personnel from OSHA, NIOSH, EPA, and the Nuclear Regulatory Commission (NRC) as ex-officio members of the committee. This committee would provide the Secretary and his top staff with advice, technical assistance, expertise, and counsel on a wide range of safety and health problem issues.

10. Develop a set of instructions that would clearly tell contractors what is expected of them. These would replace the vague language of the current DOE Orders.

    Variances from instruction requirements should only be made through the office of the Assistant Secretary for Environment, Safety, and Health.

11. To assist DOE in carrying out its compliance function, OSHA could loan DOE an appropriate number of safety and health professionals for a period of six to twelve months. OSHA would assist DOE in developing effective hazard recognition skills, conducting inspections, prioritizing hazards, investigating complaints and reprisals, evaluating operations office and contractor performance, interpreting OSHA regulations, evaluating safety and health goals and objectives and reviewing safety and health program materials.

12. Establish enhanced safety and health training capabilities to respond to training needs of DOE safety and health staff, first-line supervisors at GOCO facilities, and GOCO personnel assigned safety and health responsibilities.

    DOE and OSHA should explore the feasibility of participating in a joint training venture, building on the extensive capability that OSHA already has at its training institute in Des Plaines, Illinois.

13. Improve and strengthen procedures for handling and resolving complaints of reprisals against contractor employees who engage in safety and health activity.

B. OPERATIONS OFFICE-LEVEL RECOMMENDATIONS

1. Develop specific safety and health goals and objectives. These safety and health goals and objectives should provide the basis for the budget, planning, and resource allocation decisions.

2. Ensure that written statements of operations office safety and health policy are in place.

3. Ensure that accountability standards for safety and health, especially managers' performance standards, are in place.

4. Identify safety and health expenditures clearly in the budget.

5. Hold managers accountable and responsible for safety and health, including the correction of hazards, at the GOCO facilities.

6. Establish safety and health staffing at levels adequate to ensure that every major contractor and/or facility receives a safety and health inspection annually.

7. Leave line safety and health responsibility at the operations office; however, ensure that monitoring of GOCO safety and health performance is effective, ongoing and consistent.

8. Process Q clearances more rapidly so that safety and health inspectors can become fully effective in a shorter time.

9. Develop procedures for prioritizing and tracking hazards through to correction.

10. As appropriate, investigate hazard complaints ensuring employee protection against reprisal.

C. GOCO-LEVEL RECOMMENDATIONS

1. Ensure that written statements of safety and health policy are in place.

2. Ensure that written statements, especially managers' performance standards, holding managers accountable and responsible for safety and health are in place.

3. Expand efforts to involve employees as full partners in the safety and health program.

4. Develop specific safety and health goals and objectives; these should provide the basis for budget planning and resource allocation.

5. Identify safety and health expenditures clearly within the budget.

6. Emphasize the implementation of expanded standards.

7. GOCO safety and health professionals should strive to spend a significant portion of their time on inspection-related duties, and use resources more effectively by cross training staff and using available expertise where appropriate.

8. Develop a plan to select high hazard work areas for regular inspection by GOCO health and safety professionals.

9. Improve employee complaint systems and ensure that employees are protected from reprisal.

10. Develop procedures for tracking all hazards through to abatement.

11. Follow Bureau of Labor Statistics' recordkeeping guidelines.

12. Implement interim control measures until final corrections are made.

13. Provide employees with job-specific chemical hazard training.

14. Improve safety and health training of GOCO line managers.

15. Complete baseline safety and health inspections.

APPENDIX A

LIST OF 102 GOCO FACILITIES

U.S. DEPARTMENT OF ENERGY
GOVERNMENT OWNED AND CONTRACTOR OPERATED FACILITIES
MARCH 15, 1991

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO*
State: California		
EG&G 130 Robin Hill Road Goleta, CA	EG&G Energy Measurements, Inc. P.O. Box 98 Santa Barbara, CA 93111	NV
EG&G 5520 Ekwill St. Santa Barbara, CA	EG&G Energy Measurements, Inc. 5520 Ekwill St. Santa Barbara, CA 93111	NV
EG&G 5667 Gibralter Dr. Pleasanton, CA	EG&G Energy Measurements, Inc. P.O. Box 9051 Pleasanton, CA 94566	NV
Rockwell International Oxnard Facility 1235 E. Wooley Rd., CA	Rockwell International Oxnard Facility P. O. Box 5166, Oxnard, CA 93031	AL
Building 901, Lawrence Berkeley Laboratory Berkeley, California	University of California Berkeley, CA 94720	SAN
Chemical Biodynamics Laboratory University of California Berkeley, California	University of California Berkeley, CA 94720	SAN
Donner Laboratory University of California Berkeley, California	University of California Berkeley, CA 94720	SAN
Dymo Facility (Building 934) University of California Berkeley, California	University of California Berkeley, CA 94720	SAN

* FO = DOE Field or Operations Office
AL = Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87115
CH = Chicago Operations Office, 9800 South Cass Ave., Argonne, Ill 60439
ID = Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83415
NV = Nevada Operations Office, P.O. Box 14100, Las Vegas, NV 89114
OR = Oak Ridge Operations Office, P.O. Box E, Oak Ridge, TN 37831
RL = Richland Operations Office, P.O. Box 550, Richland, WA 99352
SAN = San Francisco Operations Office, 1333 Broadway, Oakland, CA 94612
SR = Savannah River Operations Office, P.O. Box A, Aiken, SC 29801
PNR = Pittsburg Naval Reactors Office - (Thru:DOE Naval Reactors Office, Crystal City, Arlington, VA 22202)
SNR = Schenectady Naval Reactors Office - (Thru:DOE Naval Reactors Office, Crystal City, Arlington, VA 22202)

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
Energy Technology Engineering Center DOE Triangle at Santa Susana Canoga Park, California	Rockwell International Atomics International Div P.O. Box 1449, Canoga Park, CA 91304	SAN
Lawrence Berkeley Laboratory University of California Berkeley, California	University of California Berkeley, CA 94720	SAN
Lawrence Livermore National Laboratory Site 300, 17 miles east of Livermore on Corral Hollow Road	University of California P.O. Box 808 Livermore, California 94550	SAN
Lawrence Livermore National Laboratory End of East Avenue Livermore, California	University of California P.O. Box 808 Livermore, California 94550	SAN
Sandia National Laboratories, Livermore End of East Avenue Livermore, California	Western Electric, Inc. Sandia Corporation Livermore, California 94550	AL
Stanford Linear Accelerator Center, 2572 Sand Hill Rd. Menlo Park, California	Stanford University P.O. Box 4349 Stanford, California 94305	SAN
State: Colorado		
Rocky Flats Plant 25 miles northwest of Denver - HW 93 Between Boulder & Golden	Rockwell International North American Space Opr. P.O. Box 464, Golden, Colorado 80402	AL
Solar Energy Research Institute 1617 Cole Boulevard Golden, Colorado	Midwest Research Institute 1617 Cole Boulevard Golden, Colorado 80401	CH
U.S. Department of Energy 2597 B 3/4 Road Grand Junction, Colorado	UNC Geotech P.O.Box 14000 Grand Junction, Colorado	ID
State: Connecticut		
Knolls Atomic Power Laboratory Windsor Site, Windsor, Connecticut	General Electric Company P.O. Box 545 Windsor, Connecticut 06095	SNR

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
State: Florida		
Pinellas Plant, Southeast of Largo, Bryan Dairy Road St. Petersburg, Florida	General Electric Neutron Devices Department P.O. Box 2908 Largo, Florida 34649	AL
State: Idaho		
Idaho National Engineering Laboratory 40 Miles west of Idaho Falls Highway 20, Idaho	Westinghouse Electric Corporation Idaho Falls Idaho 83415	PNR
Argonne National Laboratory (Idaho Site) 40 miles west of Idaho Falls, Highway 20 Idaho Falls, Idaho	The University Of Chicago, Argonne Office 9700 South Cass Avenue Building 201, Argonne, Illinois, 60439	CH
Bus Dispatch (INEL Bus Parking Lot) 1345 Chaffin Idaho Falls, Idaho	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID
Computer Science Center 1155 Foote Drive Idaho Falls, Idaho	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID
Computer Science Technical Support Buildings 1520 Sawtelle Idaho Falls, Idaho	EG&G Idaho, Inc. and Rockwell-INEL Idaho Falls, Idaho	ID
Idaho Falls Technical Library 1776 Science Center Dr Idaho Falls, Idaho	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID
Idaho Falls Warehouse Building 3600 Bombardier Boulevard Idaho Falls, Idaho	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID
Idaho National Engineering Laboratory 40 miles west of Idaho Falls,	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
Idaho National Engineering Laboratory 40 miles west of Idaho Falls,	MK-Ferguson of Idaho Company Idaho Falls, Idaho	ID
Idaho National Engineering Laboratory 40 miles west of Idaho Falls,	Protection Technology of Idaho Idaho Falls, Idaho	ID
Idaho National Engineering Laboratory 40 miles west of Idaho Falls,	Rockwell-INEL P.O. Box 1469 Idaho Falls, Idaho 83403	ID
Idaho National Engineering Laboratory -INEL 40 miles west of Idaho Falls,	Westinghouse Idaho Nuclear Company, Inc. P.O. Box 4000	ID
Idaho Research Center 35 acres, fronting on North Boulevard, Idaho Falls, Idaho	EG&G Idaho, Inc. P.O. Box 1625 Idaho Falls, Idaho 83415	ID
Willow Creek Office Building 1955 Fremont Idaho Falls, Idaho	EG&G Idaho, Inc. Westinghouse Idaho Co. MK-Ferguson	ID
State: Illinois		
Argonne National Laboratory 9700 South Cass Avenue Argonne, Illinois	The University of Chicago, Argone Office 9700 South Cass Ave. Argonne, Illinois 60439	CH
Fermi National Accelerator Laboratory Kirk Road and Pine Street Batavia, Illinois	Universities Research Association, Inc. P.O.Box 500 Batavia, Illinois 60510	CH
State: Iowa		
Ames laboratory, Spedding Hall & DOE Operations Iowa State University Campus Ames, Iowa	Iowa State University, Room 109 Office & Laboratory Bldg. Ames, Iowa 50011	CH

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
State: Kentucky		
Paducah Gaseous Diffusion Plant Off Highway 60, a few miles west of Paducah, Kentucky	Martin Marietta Energy Systems, P.O. Box 1410 Paducah, Kentucky 42001	OR
State: Louisiana		
Gladys McCall Geothermal Geopressure Site 50 miles south of Lake Charles on U.S. Highway 82	Eaton Industries of Houston, Inc. 1980 Postoak Blvd. Suite 2000, Houston, Texas 77056	ID
Hulin Well Geothermal Geopressure Sites 15 miles west of New Ibeica near Erath	Eaton Industries of Houston, Inc. 1980 Postoak Blvd. Suite 2000, Houston, Texas 77056	ID
State: Maryland		
EG&G, Bldg 1792 1st & G street Andrews AFB, Washington, DC	EG&G Energy Measurements, Inc. P.O. Box 389, Suitland, MD 20746	NV
State: Missouri		
Kansas City Plant Bannister Road and Troost Kansas City, Missouri	The Allied Signal Aerospace Co. P.O. Box 419159 Kansas City, Missouri 64141	AL
Weldon Springs Basin and Quarry Off U.S. Highway 70 West Weldon Springs, Missouri	MK Ferguson Company Rt. 2, Highway 94 South St. Charles, Missouri 63303	OR
State: Montana		
Component Development and Integration Facility 53.16 acres near Butte Industrial Park 5 milies south of Butte, Montana	Mountain States Energy Inc. P.O. Box 3562 CDIF Site Office, Butte, Montana 59701	ID
State: New Mexico		
Central training Academy Located on Kirtland AFB, NM	Wackenhut Services, Inc. P.O. Box 18041 Albuquerque, NM 87185	AL

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
Ross Aviation Located on Kirtland AFB, NM	Ross Aviation Inc. P.O.Box 9124 Albuquerque, NM 87119	AL
Waste Isolation Pilot Plant 35 miles east of Carlsbad, NM	Westinghouse Electric Corporation P.O. Box 2078, Carlsbad, NM 88221	AL
State: Nevada		
EG&G 680 East Sunset Road Las Vegas, NV	EG&G Energy Measurements, Inc. P.O. Box 1912 Las Vegas, NV 89125	NV
REECO 2200 Rancho Drive, Suite 208 Las Vegas, NV	Reynolds Electrical & Engineering Co., Inc. P.O. Box 89521 Las Vegas, NV 89193-8521	NV
REECO 2753 So. Highland Las Vegas, NV	Reynolds Electrical & Engineering Co., Inc. P.O. Box 89521 Las Vegas, NV 89193-8521	NV
EG&G 2621 North Losee Road North Las Vegas, Nevada	EG&G Inc. P.O. Box 1912 Las Vegas, Nevada 89125	NV
Lawrence Livermore National Laboratory - NTS Nevada Test Site, Mercury, NV 89023	University of California Mercury, NV 89023	SAN
Nevada Test Site Mercury, Nevada	Reynolds Electrical & Engineering Co., Inc. P.O. Box 98521 Las Vegas, NV 89193-8521	NV

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
REECO, 3084 So. Highland Drive, Bldgs 7,8,9 & 10 Las Vegas, NV 89109	Reynolds Electrical & Engineering Co., Inc. P.O. Box 89521 Las Vegas, Nevada 89193-8521	NV
Tonapah Test Range 47 miles southeast of Tonapah Tonapah, Nevada	Reynolds Electric & Engineering Co., Inc. P.O.Box 98521 Las Vegas, NV 89193-8521	NV
State: New Jersey		
Princeton Plasma Physics Laboratory "C"and "A" Site on the Forrestal Campus Princeton, New Jersey	Princeton University 1 Nassau Hall Princeton, New Jersey 08540	CH
State: New Mexico		
EG&G Inc., 182 East Gate Drive Los Alamos, New Mexico	EG&G Energy Measurements, Inc. P.O. Box 809 Los Alamos, NM 87106	NV
EG&G Operations, NC/135 Truman Gate Kirtland Air Force Base West Albuquerque, New Mexico	EG&G Energy Measurements, Inc. P.O. Box 809 Albuquerque, New Mexico 87106	NV
Inhalation Toxicology Research Inst. Kirtland Air Force Base - East Albuquerque, New Mexico	Lovelace Medical Foundation P.O. Box 5890 Albuquerque, New Mexico 87185	AL
Los Alamos National Laboratory Los Alamos, New Mexico	University of California P.O. Box 1663 Los Alamos, New Mexico 87545	AL
Pan Am World Services, Inc. 901 Trinity Drive Los Alamos, New Mexico	Pan Am World Services, Inc. P.O. Box 50 Los Alamos, New Mexico, 87544	AL
Sandia National Laboratories, Albuquerque Kirtland Air Force Base - East Albuquerque, New Mexico	Western Electric, Inc./Sandia Corp. P.O. Box 5800 Albuquerque, New Mexico 87115	AL

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
State: New York		
Brookhaven National Laboratory William Floyd Parkway Upton, New York	Associated Universities, Inc. Upton, New York 11973	CH
West Valley Demonstration Project Ashford Cattaraugus County, New York 5 miles south of Springville, NY	Westinghouse Nuclear Services Co., Rock Spring Rd. P.O. Box 191 West Valley, New York 14171-0191	ID
Knolls Atomic Power Laboratory Kesselring Site, West Milton, New York	General Electric Company P.O. Box 1072 Schenectady, New York 12301	SNR
Knolls Atomic Power Laboratory River Road, Niskayuna, New York	General Electric Company P.O. Box 1072 Schenectedy,New York 12301	SNR
State: Ohio		
Feed Materials Production Center 6 miles north of Cincinnati off U.S. 50 Cincinnati, Ohio	Westinghouse Materials Company of Ohio P.O. Box 398704 Cincinnati, Ohio 45239	OR
Mound Facility Miamisburg, Ohio	EG&G Mound Applied Technologies P.O. Box 3000 Miamisburg, Ohio 45343	AL
Portsmouth Gaseous Diffusion Plant Off Highway U.S. 23 Piketon, Ohio	Martin Marietta Energy Systems, Inc. P.O. Box 628 Piketon, Ohio 45661	OR
State: Pennsylvania		
Bettis Atomic Power Laboratory West Mifflin, Pennsylvania	General Electric Company P.O. Box 79 West Mifflin, Pennsylvania 15122	PNR
Shippingport Nuclear Power Station Shippingport, Pennsylvania,	General Electric Company P.O. Box 335 Shippingport, Pa 15077	RL

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
State: South Carolina		
Savannah River Construction Division State Highway 125 South Aiken, South Carolina	Bechtel Savannah River Company Aiken, SC 29802	SR
Savannah River Laboratory State Highway 125 South Aiken, South Carolina	Westinghouse Savannah River Company P.O. Box 616 Aiken, South Carolina 29802	SR
Savannah River Forest Station State Highway 125 South Aiken, South Carolina	U. S. Forest Service - SR P.O. Box A Aiken, South Carolina 29802	SR
Savannah River Site State Highway 125 South Aiken, South Carolina	Wackenhut Services Inc. P.O. Box W Aiken, South Carolina 29802	SR
Savannah River Ecology Laboratory South of Aiken on State Route 125 Aiken, South Carolina	University of Georgia Aiken, South Carolina 29802	SR
Savannah River Plant South of Aiken on State Route 125 Aiken, South Carolina	Westinghouse Savannah River Company P. O. Box 616 Aiken, South Carolina 29802	SR
State: Tennessee		
MERT Buildings 2714 and 2715 Laboratory Road Oak Ridge, Tennessee	Oak Ridge Associated Universities P.O. Box 117 Oak Ridge, Tennessee 37830	OR
Medical & Health Science Division and REACT Facility, East Vance Road Oak Ridge, Tennessee	Oak Ridge Associated Universities P.O. Box 117 Oak Ridge, Tennessee 37831	OR
Oak Ridge Gaseous Diffusion Plant Oak Ridge Turnpike - About 8 miles west Oak Ridge, Tennessee	Martin Marietta Energy Systems, Inc P.O. Box 2003 Oak Ridge, Tennessee 37831	OR

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
Oak Ridge National Laboratory Bethel Valley Road Oak Ridge, Tennessee	Martin Marietta Energy Systems, Inc P.O. Box 2008 Oak Ridge, Tennessee 37831	OR
Scarboro Facility 1299 Bethel Valley Road Oak Ridge, Tennessee	Oak Ridge Associated Universities P.O. Box 117 Oak Ridge, Tennessee 37831	OR
Water treatment Facilities Bear Creek Road Oak Ridge, Tennessee	The Rust Engineering Company P.O. Box 587 Oak Ridge, Tennessee 37830	OR
Y-12 Plant Bear Creek Road Oak Ridge, Tennessee	Martin Marietta Energy Systems, Inc P.O. Box 2009 Oak Ridge, Tennessee 37831	OR
State: Texas		
Pantex Plant 21 miles northeast of Amarillo Amarillo, Texas	Mason and Hanger - Silas Mason Co. P.O. Box 30020 Amarillo, Texas 79177	AL
Pleasant Bayou Geothermal Geopressure Site 35 miles south of Houston and southwest of Alvin	Eaton Industries of Houston, Inc. 1980 Pastoak Blvd. Suite 2000, Houston, Texas 77056	ID
State: Virginia		
Continuous Electron Beam Accelerator Facility (CEBAF), 12000 Jefferson Ave. Newport News, Virginia	Southeastern Universities Research Association 12000 Jefferson Avenue Newport News, Virginia 23606	OR
State: Washington		
703 Building, 700 Area Knight Street Richland, Washington	Battelle-Pacific Northwest Lab P.O. Box 999 Richland, Washington 99352	RL
703 Building, 700 Area Knight Street Richland, Washington	Westinghouse Hanford Company P.O. Box 1970 Richland, Washington 99352	RL

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
712 Building, 700 Area Northgate Drive Richland, Washington	Westinghouse Hanford Company P.O. Box 1970 Richland, Washington 99352	RL
Building 1166 and Complex, 1100 Area Stevens Drive, Richland Washington	Westinghouse Hanford Company P.O. Box 1970 Richland, Washington 99352	RL
Buildings 747, 747B,, 700 Area Goethals Drive, Richland Washington	Hanford Env. Health Foundation P.O. Box 100 Richland, Washington 99352	RL
Buildings 747A, 700 Area Goethals Drive, Richland Washington	Battelle - Pacific Northwest Lab. P.O. Box 999 Richland, Washington 99352	RL
Buildings 748, 700 Area Swift Boulevard, Richland Washington	Hanford Env. Health Foundation P.O. Box 100 Richland, Washington 99352	RL
Hanford Site 5 miles north of Richland Federal Bldg. Richland, Washington	Battelle-Pacific Northwest Lab. P.O. Box 999 Richland, Washington 99352	RL
Hanford Site 5 miles north of Richland Federal Bldg. Richland, Washington	Hanford Env. Health Foundation P.O. Box 100 Richland, Washington 99352	RL
Hanford Site 5 miles north of Richland Federal Bldg. Richland, Washington	Kaiser Engineers Hanford P.O. Box 888 Richland, Washington 99352	RL
Hanford Site 5 miles north of Richland Federal Bldg. Richland, Washington	Morrison-Knudsen Co., Inc. P.O. Box 1450 Richland, Washington 99352	RL
Hanford Site 5 miles north of Richland Federal Bldg. Richland, Washington	Westinghouse Hanford Company P.O. Box 1970 Richland, Washington 99352	RL

FACILITY NAME AND ADDRESS	CONTRACTOR NAME AND ADDRESS	FO
Richland Federal Building, 700 Area 825 Jadwin Avenue, Richland, Washington	Battelle-Pacific Northwest Lab P.O. Box 999 Richland, Washington 99352	RL
Richland Federal Building, 700 Area 825 Jadwin Avenue, Richland, Washington	Hanford Env. Health Foundation P.O. Box 100 Richland, Washington 99352	RL
Richland Federal Building, 700 Area 825 Jadwin Avenue, Richland, Washington	Kaiser Engineers Hanford P.O. Box 888 Richland, Washington 99352	RL
Richland Federal Building, 700 Area 825 Jadwin Avenue, Richland, Washington	Westinghouse Hanford Company P.O. Box 1970 Richland, Washington 99352	RL

APPENDIX B

TEN-POINT INITIATIVE

REMARKS BY
JAMES D. WATKINS
SECRETARY OF ENERGY
JUNE 27, 1989

When the President asked me to take this job in January, he indicated that the problems faced by the Department of Energy (DOE) were very serious in nature. The underlying operating philosophy and culture of DOE was that adequate production of defense nuclear materials and a healthy, safe environment were not compatible objectives. I strongly disagree with this thinking.

I agreed to serve as Secretary of Energy knowing full well that one of my immediate tasks would be to create a new culture of accountability within the Department. Today, I am announcing a 10-point initiative that will chart a new course for the Department toward full accountability in the areas of environment, safety, and health. These measures are essential to demonstrate that DOE is committed to complying with the Nation's environmental laws and is capable of discharging its many responsibilities which include protecting public health and safety.

I have undertaken these extraordinary steps to help restore public credibility in the Department's ability to safely operate its unique defense, research, and test facilities. Because of

the serious nature of the many management problems facing me at DOE, I have found that I must undertake my own assessment of all DOE operations in order to come up with an adequate baseline of information, one upon which I can then make informed judgments. The steps I announce today are also intended to help find a new way of successfully integrating the Department's national security mission with its environmental restoration and compliance activities.

For over four decades, DOE and its contractors have accepted these two objectives as being mutually-exclusive. Virtually all incentives and awards have been coupled to production, much more so than all other considerations combined. So, now, the chickens have finally come home to roost and years of inattention to changing standards and demands regarding the environment, safety, and health are vividly exposed to public examination, almost daily. I am certainly not proud or pleased with what I have seen over my first few months in office. As a result, I must continue to implement measures that can lead the Department to a new culture which takes pride in being good stewards of public lands, while demonstrating that our primary production mission can be achieved concurrently.

Since undertaking my present assignment as Secretary of Energy only four short months ago, I have also been surprised to learn that the Department relies on insufficient scientific information

in making its decisions and in developing public policy. In this regard, I am instituting measures that will greatly increase the roles State agencies, the Environmental Protection Agency (EPA), the National Academy of Sciences (NAS), and even our own National Laboratories, play in DOE decision-making to provide a greater influence on the quality of the scientific data we employ to make our decisions affecting public health, safety, and the environment.

To move DOE more aggressively toward the highly professional, technically competent, and credible Federal agency that the President, the Congress, and the American public expect, I am placing into effect immediately a special ten-point initiative.

This 10-point initiative includes:

- Resetting of priorities to reflect environment, safety and health as more heavily weighted than production. As a result, we are beginning negotiations with those States hosting DOE nuclear facilities to allow direct access and enhance State monitoring capabilities;
- modifying the criteria for awarding contractor fees to reflect increased emphasis of environment, safety and health;
- establishing independent "tiger teams" to conduct environmental compliance assessments;
- improving the way in which DOE complies with the National Environmental Policy Act (NEPA) documentation and by coordinating its activities with the Governors of the States which host DOE facilities;
- establishing an entirely new management team within the Department's Office of Defense Programs, under the leadership of Victor Stello, Jr., currently the Executive

Director of Operations at the Nuclear Regulatory Commission to again emphasize safety over production;

- strengthening the environment, safety and health technical capabilities of line managers within the DOE organizational structure;
- appointing an independent panel to help restructure the Department's epidemiology program, including the creation of a new standing committee by the National Academy of Sciences to oversee epidemiologic research requests;
- establishing a comprehensive epidemiological data repository containing information on past and present DOE workers that may be used by any qualified researcher;
- requiring that milestones to achieve full compliance with Occupational Safety and Health Administration (OSHA) standards must be included in the Defense Facilities Modernization Five-Year Plan now under development; and,
- accelerating the cleanup of DOE facilities through the allocation of an additional $300 million for FY 1990 activities consistent with the Environmental Restoration and Waste Management Five-Year Plan.

Deputy Secretary Henson Moore introduced the first of these initiatives on June 16, 1989, when he announced that environment, safety, and health objectives now take precedence over production objectives. This served as the basis for a comprehensive agreement between the Department of Energy and the State of Colorado regarding environmental compliance at the Rocky Flats Plant near Denver. That agreement is unprecedented in scope and in the degree of cooperation that it portends between DOE and the State. It will be a model for new DOE cooperation with the States.

I reiterate that initiative today and am directing that DOE begin negotiations on similar agreements with other States which host our many facilities. This model agreement will help the Governor of a State assure its citizens that past and current practices will not constitute a health hazard. This new concept will provide for independent validation of environmental data, for environmental restoration cleanup schedules, and for assisting in establishing priorities so necessary to meet agreed-to timetables.

My second initiative concerns a new direction for the Department's award fee program. This initiative has two parts.

First, I am modifying the criteria for award fees to our defense production contractors so that not less than 51 percent of the available award will be based on compliance with environmental, safety and health requirements, including requirements that derive from State environmental laws, regulations of the Environmental Protection Agency and the DOE, and actions set forth in tri-party Federal facility compliance agreements. A much smaller percentage is now the norm such as the 20 percent figure in the Rocky Flats contract.

Second, I am directing that a provision be included in Departmental contracts stipulating that <u>all</u> of the potential award fee that may be earned will be at risk if a contractor

fails in any of these three or other important award fee categories.

The third initiative I am announcing today is the formation of environmental "tiger teams," similar to the 25-person DOE investigative team that I sent to Rocky Flats. This includes reviewing operations, documentation, agreements, planning, and the facility's performance in meeting environmentally-regulated schedules. Two such teams will visit two DOE facilities within the next two weeks to conduct environmental compliance assessments. They will follow the environmental assessment protocol presently being performed at Rocky Flats. Six additional facilities will be visited within the next 6 months, and then 10 more facilities will be assessed in the following 6 months, for a total of 18 in the next year. I intend to have environmental teams visit the remaining 17 major DOE facilities (total 35) one year later. All other environmentally less-demanding facilities (totalling about 100 more) will be scheduled to complete compliance assessments by December 1992. To assist these teams in their work, I have asked for a special hotline to be established within DOE Headquarters to allow citizens to report specific facility concerns.

My fourth initiative addresses Departmental compliance with NEPA. I am directing that the Department revise its procedures and establish a uniform policy on a site-by-site basis for

implementing NEPA so that preliminary NEPA decisions involve the Secretary of Energy from the outset and are fully coordinated with the Governors of the States that host our facilities. The non-uniform, haphazard, overly-decentralized, and self-defeating process previously institutionalized has been terminated. In the future, if the Department is to err in its judgement as to extent of NEPA review required of new projects, it will err on the side of full disclosure and complete assessment of potential environmental impacts.

My fifth initiative is one of the most important. I am establishing an entirely new management team under a new Assistant Secretary for Defense Programs. To head that office, the President has indicated his intent to nominate a strong, technically competent federal manager, Mr. Victor Stello, Jr., who currently serves as Executive Director of Operations at the Nuclear Regulatory Commission (NRC). Vic has a wealth of experience from the regulatory side, notably in assuring that nuclear safety takes precedence over production. Mr. Stello, and the new team he will assemble, will bring responsibility and accountability to line management of the Department's defense nuclear facilities. Mr. Stello will assure that conformance to environmental laws and attention to these requirements are developed through a safety-conscious culture that will assure production objectives are met without violation of environmental safety, or health standards to which all interested parties have

agreed. Mr. Stello led the NRC in preparing its first Environmental Impact Statement requirements and will bring this type of direction to the Office of Defense Programs. This is the first time we have selected an individual who has safety and environmental training and understands that production is a mutually compatible objective with environment, safety and health.

Strengthening the technical capability of line management in the environment, safety and health areas, such as we did by establishing a brand new support group at Rocky Flats, is my sixth initiative. It is a well-known fact that the very large majority of our work in the field is actually carried out by private contractors. This fact in no way relieves DOE field managers of their own responsibility and accountability to ensure that contract execution meets expected performance standards of excellence. On my watch, senior DOE officials will also be expected to ensure that their contractors comply with operational, environmental, safety, health and security standards established by law or regulation. But to do this, DOE officials need sufficient numbers of appropriately skilled DOE line supervisors to support them. This support is not there today.

Accordingly, I intend to establish permanent positions and put into place DOE people with the requisite skills to support line managers in both field and headquarters positions. This is the

necessary precursor to DOE line managers acceptance of full responsibility and accountability for these vital functions. When in place, primary accountability and responsibility will have been clearly fixed in the DOE line management at all levels. Additionally, line management performance will continue to be subject to both independent internal (DOE) and independent external (non-DOE) oversight as required by law or regulation.

My seventh and eighth initiatives concern the Department's epidemiological data on DOE and contractor employees.

The seventh initiative that I am announcing today is the appointment of an independent panel of professional experts in public health, occupational health and epidemiology to advise me as I restructure the DOE epidemiology program. This panel will conduct a detailed evaluation of the entire range of DOE's epidemiologic activities. They will be charged with examining such areas as the goals and objectives of the epidemiology program; the budget and full-time equivalent resources allocated to epidemiologic research; program management and reporting structure; as well as other areas that are germane to the proper operation of our epidemiologic research program. I am ready to provide the resources necessary to do the job better, but I want outside experts to help me structure the program properly.

I have also asked the National Academy of Sciences (NAS) to

establish a standing "Committee on Radiation Epidemiologic Research Programs." The purpose of this committee is to provide ongoing, independent scientific counsel to the Department of Energy regarding its epidemiologic research activities, including the creation of a comprehensive epidemiologic data repository. This committee will assure that DOE receives objective scientific advice on its epidemiological programs on a continuous basis.

My eighth initiative is the establishment of a Comprehensive Epidemiologic Data Repository (CEDR) for all epidemiologically relevant information on past and present DOE and contract workers. The data will be located in a single place and stored in a format that can be easily used by any qualified researcher. Such a repository will enable scientists who are not affiliated with DOE to have access to the DOE worker data so they can conduct independent epidemiologic studies on the DOE worker population. My general view is that approximately $36 million over a 6-year period will be required to run a program of this magnitude, but I will use the work of the two groups to help me establish the details needed to implement this initiative.

Today, researchers unaffiliated with the Department cannot gain access to epidemiologic data on DOE workers. Realizing that the establishment of such a repository could take several years to complete, I have asked the National Academy of Sciences to advise the Department on appropriate criteria for allowing independent

researchers near-term access to raw DOE worker data. The system we will establish based on NAS's recommendations will assure that DOE data is utilized to conduct studies that are both accurate and complete.

My ninth initiative involves worker safety. Full compliance with OSHA standards will be a central element of the five-year defense facilities modernization plan currently in preparation. Although DOE has adopted OSHA standards along with other national safety and health standards as a matter of stated policy, it is my intention to ensure that we are in compliance with OSHA standards in execution of policy.

In this regard, I will be formally requesting that OSHA participate with DOE in a series of inspections of DOE's defense production facilities. I believe that the Department's safety and health programs could be improved with involvement in facility inspections by resolving health- and safety-related complaints by employees and labor unions, and conducting investigations of serious industrial accidents and incidents. These joint inspections will be structured to assure that the Department's mission can be accomplished while preserving the health and safety of employees and avoiding loss of government property. Additionally, I have asked the Under Secretary to prepare a similar plan to phase in OSHA compliance at our non-defense facilities.

My tenth initiative is the first action taken as a result of the Environmental Restoration and Waste Management Five-Year Plan which I announced in March of this year. The Administration, working with Congress, has provided an additional $300 million in the FY 1990 budget to accelerate the clean-up of our facilities over and above the previous Administration's funding request. The original FY 1990 budget was $1.8 billion. President Bush increased this to $2.1 billion. In recognition of the need for acceleration, an additional $300 million will be added. This increase will raise the present FY 1990 budget for the Department's environmental restoration and waste management activities from approximately $2.1 billion to $2.4 billion. This funding will continue to increase in future years and as is currently estimated in our 5-year planning efforts at approximately $4.0 billion in FY 1993; $4.1 billion in FY 1994; and $4.1 billion in FY 1995. However, I must restate that these figures are only preliminary estimates and will be refined as we progress in our planning efforts and as we define the impacts of our much more focused and aggressive research and development initiatives on cleanup planning.

Based on the very flaw in DOE that led me to my earlier observation that I must undertake my own assessment of all DOE operations in order to come up with an adequate baseline of information, one upon which I can then make informed judgments, I

will not be driven by any previously set schedules or management decisions which still do not answer emerging questions as to the soundndess of technical data or completeness of reviews. WIPP is a classic example of the crying need to re-establish a well-aired and documented baseline of understanding.

In this connection, for example, DOE will form a blue-ribbon panel of recognized experts from industry, academia and government to review current plans for demonstrating WIPP's technical and operational adequacy. The National Academy of Sciences has also been asked to advise DOE on the adequacy of the geotechnical test program to assure the program meets environmental standards. Both panels will independently evaluate the operational performance of the facility. I can assure you that I will not compromise the environment through blind allegiance to past decisions that may have been made without adequate consideration of technical, scientific, economic and social issues. WIPP will only open when I deem it safe and other key non-DOE reviewers are satisfied.

The goal of the 10 initiatives that I have announced today is to restore credibility to the Department of Energy, and to provide the kind of environmentally-responsible direction that is critical to achieving the important national missions of the Department of Energy.

APPENDIX C

SUGGESTED METHOD FOR IMPLEMENTING RECOMMENDATIONS

In order to implement the major recommendations of this report, specific functions need to be carried out. These functions include, but are not limited to, inspections, safety and health planning and budgeting, safety and health programs and training, performance rating, and the investigation of complaints and allegations of reprisal. In addition, it is necessary to develop an organizational structure that accomplishes three major goals:

1. Provide for a strong, effective, and independent oversight;

2. Strengthen line accountability; and,

3. Resolve "conflict of missions" situations.

The pages that follow show one way the three major groups covered in the report (the GOCOs, operations offices, and the office of the Assistant Secretary for Environment, Safety and Health) might perform specific activities to accomplish each of these functions.

The list of activities for each of the functions is not comprehensive but is intended to illustrate one way in which OSHA envisions the recommendations in the report could be implemented.

I. FUNCTIONS OF GOVERNMENT-OWNED, CONTRACTOR-OPERATED FACILITIES (GOCOS)

A. Inspection Activity.

Complete baseline compliance surveys and routinely inspect facilities based on a schedule that addresses hazardous areas more frequently. (This includes documenting hazards, setting abatement dates, and tracking abatement.) Improve GOCO safety and health professionals' hazard recognition skills and familiarity with OSHA standards. Conduct routine industrial hygiene monitoring.

B. Safety and Health Planning and Budgeting.

Develop, in conjunction with the operations offices and subject to participation and approval by ES&H, site-specific safety and health policy statements, site-specific goals and objectives related to safety and health, a schedule for their implementation, and a method of documenting their accomplishment. These responsibilities would be assigned to the various GOCO managers and would become an integral part of their performance rating criteria. Budget planning documents would explicitly identify all safety and health costs, such as those necessary to achieve compliance with OSHA standards.

C. Safety and Health Programs & Training.

Implement safety and health programs required by DOE Orders and OSHA standards. Increase employee participation in GOCO safety and health program. Develop and implement systems to ensure that needed safety and health training is provided to employees, first line supervisors, safety and health professionals, and employees with safety and health responsibilities.

D. Performance Elements.

Hold top GOCO managers responsible for identifying and promptly correcting hazards. Hold GOCO managers accountable for specific, measurable safety and health performance objectives developed in conjunction with the operations offices and subject to review by ES&H personnel located at the operations offices.

E. Complaints.

Develop written procedures covering site-specific employee safety and health complaint handling programs to include timely response, investigation by the safety and health department, provisions to allow for employee

anonymity, tracking mechanisms to ensure corrections are implemented, etc. Communicate these procedures in writing to employees. Also inform employees, in writing, that they may either use the GOCO's safety and health complaint handling program or go directly to the operations office or to ES&H if they chose to do so.

F. Reprisals.

Implement effective internal reprisal protection programs. Develop written policies to prohibit reprisals for reporting or complaining about safety and health conditions. Develop written procedures that clearly outline the rights and procedures for employees either for reporting allegations of reprisal and for protecting their rights to a place of employment free from recognized hazards. Develop written procedures for GOCO managers to follow in investigating allegations of reprisal. Communicate these procedures to employees, in writing. Inform employees, in writing, that they may either file allegations of reprisal with the GOCOs or with ES&H.

II. FUNCTIONS OF DOE'S OPERATIONS OFFICES

A. How Conducted.

Onsite monitoring conducted by operations office safety and health professionals would involve inspection and review of the GOCO safety and health programs. In addition, the operations offices should develop formal tracking systems to follow the abatement status of hazards identified and the correction status of safety and health program deficiencies that they identify.

1. Inspections to assess GOCO compliance with safety and health standards.

   These inspections would include independent industrial hygiene sampling to verify GOCO data.

2. Review the following aspects of GOCO safety and health programs:

   a. GOCO employee complaint handling programs and safety and health reprisal protection programs;

   b. Injury and illness recordkeeping and reporting programs;

   c. GOCO hazard abatement and tracking systems;

   d. GOCO progress on goals and objectives; and,

   e. GOCO compliance with DOE policies and procedures.

B. Monitoring Results.

The results of operations office monitoring will be:

1. Used in performance appraisals for top GOCO top managers as they pertain to safety and health;

2. Used in operations office recommendations concerning CPAF awards; and,

3. Provided quarterly to ES&H.

C. Investigate Complaints Submitted to Operations Offices by GOCO Employees.

D. Safety and Health Planning and Budgeting.

Develop the following safety and health documents, working with the site and subject to review by ES&H:

1. Safety and health portions of contracts;

2. Safety and health policy statements;

3. Specific safety and health goals and objectives; and,

4. Budget planning documents.

F. Performance Evaluation.

1. Develop, in consultation with ES&H, "critical" safety and health elements in managers' performance standards, for the Operations Office manager, deputy manager, and the manager of the compliance division.

2. In consultation with ES&H, provide the performance rating in safety and health for the GOCO site manager, the deputy site manager and the site's director of safety and health.

III. FUNCTIONS OF DOE'S PROGRAM OFFICE OF ENVIRONMENT, SAFETY AND HEALTH (ES&H)

A. Clearly Identify the Assistant Secretary for ES&H as the Secretary's Representative Pertaining to Safety and Health at the GOCOs and Operations Offices.

In that capacity, the Assistant Secretary will recommend the ES&H portion of the Award Fee, determine the environment, safety, and health performance elements for, and evaluate the effectiveness for operations office managers, deputy managers, and the manager of the compliance section.

ES&H would be responsible for developing all policy and program direction on safety and health matters, including the DOE Orders, etc.

B. Assess Safety and Health Performance of GOCOS and Administer Rewards and Sanctions. (This assumes an adequate number of ES&H staff will be present in the field.)

1. Evaluate GOCO safety and health performance by conducting independent inspections.

(These partial inspections could cover a portion of the buildings at each of the 30 major GOCOs every six months. Taken together, the partial inspections would cover the entire GOCO over a three year period.) Onsite inspections, industrial hygiene sampling and review of safety and health records would constitute a significant part of the overall evaluations.

2. Develop the award fee evaluation criteria.

With input from the operations offices and GOCOs, develop performance indicators which will be used for award fee determinations for the environment, safety and health portion of the CPAF.

3. Determine the award fee.

An award fee package for environment, safety, and health would be initially drafted by the operations office, but finalized, adjusted and approved by ES&H, based on its own findings from onsite audits.

4. Report on effectiveness of operations offices and the compliance status of GOCOs.

The Assistant Secretary for ES&H would personally meet at least quarterly with the Secretary of Energy to report on the compliance status of the GOCOs.

C. Investigate Complaints and Reprisals.

1. Investigate complaints.

Investigate complaints submitted to ES&H by GOCO employees. Ensure that GOCO employees who complain are not subjected to reprisal.

2. Investigate allegations of reprisal.

Independently investigate allegations of reprisal submitted to ES&H by GOCO employees. New written procedures for investigation of reprisal need to be developed as well as written procedures for employee redress on all valid complaints.

D. Assess and Report on the Effectiveness of Operations Office Managers in Monitoring GOGO Safety and Health Programs.

1. Performance evaluation.

Evaluate the effectiveness of the operations office in monitoring GOCO compliance with occupational safety and health standards and program requirements. Rate the operations office manager, the deputy operations office manager, and the director of the compliance division on the safety and health performance elements in their performance standards. ES&H will audit performance appraisals to ensure that ES&H findings are, in fact, affecting merit pay and other management incentives.

2. Management indicators.

Develop and review compliance effectiveness indicators that measure the stringency of operations office enforcement efforts. These measures might, for example, include time spent by operations office safety and health professionals on inspection-related activity, the number of

serious hazards identified and abated, the variety of standards and hazards identified by operations office inspectors, etc.

These would be used by ES&H to evaluate the operations office monitoring efforts and report to the Secretary of Energy on the effectiveness of these efforts.

3. Safety and health planning and budgeting.

Review and approve/disapprove the following operations office documents for conformity with DOE policy, Orders, and regulations and ensure that they fully address safety and health concerns:

a. Safety and health policy statements;

b. Goals and objectives; and,

c. Budget documents.

4. Report on the effectiveness of operations offices.

The Assistant Secretary for ES&H should meet at least quarterly with the Secretary of Energy to report on the effectiveness of operations office monitoring.

APPENDIX D

DOE'S RESPONSE TO EVALUATION

The Secretary of Energy
Washington, DC 20585

March 20, 1991

The Honorable Lynn Martin
Secretary of Labor
Washington, DC 20210

Dear Madam Secretary: Lynn

As requested in Acting Secretary DeArment's letter of January 9, 1991, we have reviewed the Occupational Safety and Health Administration (OSHA) report, "Evaluation of the Department of Energy's (DOE's) Safety and Health Programs for Its Government-Owned and Contractor-Operated Facilities." I requested this comprehensive evaluation a year ago in view of the workplace safety deficiencies found by DOE environment, safety, and health "Tiger Team" compliance appraisals at our facilities. We found this report to be a thorough assessment of the current status of DOE's worker safety and health program. The energy and dedication of your OSHA staff who performed the evaluation and prepared this report are evident throughout. They are to be commended for a job well done.

I consider the findings provided in this report to be significant and to warrant prompt attention by the Department. They reaffirm the concerns that led me to address occupational safety and health compliance as part of my "Ten Point Plan" for environment, safety and health. The objectives reflected in your institutional "blueprint" for action are fully compatible with my ongoing efforts to ensure strengthened accountability to and capabilities for environment, safety, and health on the part of our operating programs.

In response to your report, I have approved an action plan which consists of the enclosed seven tasking memorandums, describing initiatives that build on our existing programs.

As reflected in these memorandums, the following immediate actions will be taken:

- The existing capability of DOE and contractor line programs to administer and oversee workplace safety effectively will be promptly surveyed; specific recommendations on staffing, equipment, and qualifications and training needs are to be provided within 90 days. As a minimum, DOE and contractor personnel performing occupational safety and health compliance appraisals in the field will be trained consistent with OSHA's qualification criteria. Occupational safety and health compliance will be identified and specifically addressed as part of the FY 1993 Departmental budget process.

- The role of self-assessment programs in DOE and contractor line operating programs will be expanded to address occupational safety and health. The Assistant Secretary for Environment, Safety and Health

will advise me on a quarterly basis of the status of line performance of its occupational safety and health self-assessment oversight responsibilities.

- All cost-plus-award-fee determinations will address occupational safety and health compliance as an explicit performance element.

- Independent oversight by the Assistant Secretary for Environment, Safety and Health will be strengthened by elevating its OSHA oversight role through the development of revised mission and function statements, and requisite resources, as needed, to create a new Office of Occupational Safety Programs. It is intended that this new office will have broad responsibilities to monitor and audit line performance in workplace safety and health. Through its interface role with OSHA and commercial industry, it will serve as a "technical catalyst" for fostering needed changes in how the Department approaches workplace safety and health technology and practice.

- On a longer-term basis, I have issued tasking memorandums that prescribe internal assessments to be performed over the next few months to address all of the findings and recommendations contained in the OSHA report. These include investigating means to improve treatment of workplace safety and health in the budget process, improving accountability to worker safety and health concerns, and implementation of voluntary prevention programs at our facilities.

- In addition, DOE Orders governing workplace safety and health will be revised within 6 months to correspond more closely to OSHA regulations and these will be used as the basis for considering adoption of DOE occupational safety and health requirements through rulemaking.

Lastly, I have directed that we begin immediately to work with your OSHA staff to prepare a Memorandum of Understanding for our continued working relationship which captures OSHA's expertise in occupational safety and health. I emphasize that these and future steps in worker safety and health will help focus initiatives already mandated to make DOE line programs fully accountable for operational programs and activities.

I appreciate the past support from OSHA and look forward to additional assistance in the future in the areas of training, appraisals, and technical information exchange. I believe, as you do, that the Department of Energy is capable of conducting an effective occupational safety and health program.

Sincerely,

James D. Watkins
Admiral, U.S. Navy (Retired)

Enclosures

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR ASSISTANT SECRETARY FOR DEFENSE PROGRAMS
DIRECTOR, OFFICE OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT
ACTING DIRECTOR, OFFICE OF ENERGY RESEARCH
ASSISTANT SECRETARY FOR FOSSIL ENERGY
ASSISTANT SECRETARY FOR NUCLEAR ENERGY
ASSISTANT SECRETARY FOR CONSERVATION AND RENEWABLE ENERGY

SUBJECT: STRENGTHENING LINE MANAGEMENT AND ACCOUNTABILITY IN DEPARTMENT OF ENERGY (DOE) CONTRACTOR WORKER SAFETY AND HEALTH PROGRAMS

On January 9, 1991, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) presented me with a report of its evaluation of DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

OSHA stated that DOE line management was not acknowledging its responsibility to provide worker safety programs in compliance with OSHA standards and DOE directives, and was not holding managers accountable for effective hazard abatement. In Secretary of Energy Notice-11-89, I indicated that "senior DOE field and Headquarters officials will be expected to ensure that their contractors comply with operational, environmental, safety, health, and security standards established by law, regulation, or Departmental policy while at the same time ensuring that they meet their production and research mission." OSHA has already established and codified a process in 29 CFR 1960, Subpart B, for ensuring that line management assumes responsibility for Federal worker safety and health programs. That regulation provides for a Designated Agency Occupational Safety Official who is the senior line management official responsible for Federal worker safety and health. DOE needs to apply the same principles to the management of contractor worker safety and health programs. Therefore, to strengthen DOE and contractor line management responsibility for contractor worker safety and health, and consistent with the OSHA approach, I reemphasize that the Program Secretarial Officers (PSOs) are the designated program officials responsible for contractor worker safety and health.

As emphasized in previous Secretary of Energy notices and directives, the Department's line organizations are fully responsible for environment, safety, and health programs. Accordingly, each cognizant PSO is responsible for occupational safety and health compliance programming, goals and objectives, program priorities, approval of contractor worker safety and health budgets for facilities under their authority and conduct of occupational safety and health self-assessment. The roles and responsibilities of the PSO will be further defined in DOE orders and rules. The Assistant Secretary for Environment, Safety and Health will monitor and audit DOE and contractor line

management of these activities and provide technical and policy advice to the Secretary, as required.

I also direct that within 180 days of the date of this memorandum the following be presented for my approval:

- As part of the FY 1993 Department budget process, a comprehensive set of program plans, requisite budget allocation proposals to implement them, and a strengthened management process to ensure the proper relationships between safety, health, and production are to be submitted. Your proposal shall include details for additional staffing and resources necessary to strengthen each office's DOE and contractor line management worker safety and health programs. An initial survey of FY 1991 and FY 1992 outlay program requirements and line program staffing, including internal self-assessment offices, equipment, qualifications, and training needs, is to be provided within 90 days, with recommendations on interim steps to mitigate shortfalls. The Assistant Secretary for Environment, Safety and Health, in coordination with the Controller, is to provide the necessary guidance and assistance to facilitate the inclusion of safety and health compliance upgrades in the FY 1993 budget.

- Proposals for strengthening environment, safety, and health responsibility and accountability standards for DOE and contractor managers are to be submitted. Performance plans for Federal managers and supervisors with significant responsibility for complying with environment, safety, and health contractor requirements shall be reviewed to ensure that they include a performance element which establishes accountability in these areas. The performance element should reflect key line management concepts, including internal self-assessment applicable to occupational safety and health. This effort will be coordinated with the Office of Procurement, Assistance and Program Management and the Office of Administration and Human Resource Management.

- Proposals to implement a voluntary prevention program at DOE facilities which is patterned after OSHA guidelines are to be submitted. The Assistant Secretary for Environment, Safety and Health will provide guidance and assistance to the PSOs in the development of this program.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
AD-1
EH-1
NS-1
TR-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH
DIRECTOR, OFFICE OF ADMINISTRATION AND HUMAN RESOURCE MANAGEMENT

SUBJECT: STRENGTHENING OFFICE OF ENVIRONMENT, SAFETY AND HEALTH INDEPENDENT OVERSIGHT OF DEPARTMENT OF ENERGY (DOE) LINE MANAGEMENT OF WORKER SAFETY AND HEALTH PROGRAMS

On January 9, 1991, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) presented me with a report of its evaluation of DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

OSHA stated that there is a need to further strengthen DOE's independent oversight of the Department's line management of worker safety and health programs. In Secretary of Energy Notice-6, I clarified the responsibilities of the Assistant Secretary for Environment, Safety and Health (ASEH) for independent nonnuclear safety oversight. In that same directive, I emphasized that line organizations are to be fully responsible for their own activities, including environment, safety, and health. I hereby direct, in accord with this operating philosophy, that the ASEH's roles and responsibilities be strengthened for independent oversight of DOE and contractor line management of worker safety programs.

Present to me within 120 days of the date of this memorandum an action plan which includes:

- A revision to the ASEH mission and function statements to reflect strengthened responsibilities for independent oversight of DOE and contractor line management of worker safety and health programs. This should include development of appropriate mission and function statements including realignment of existing functions in order to propose an Office of Occupational Safety Programs which would have broad responsibilities to monitor and audit line performance in workplace safety and health. Additional staff and budget resources to support this strengthened mission are to be reflected in the FY 1993 budget request, with due consideration for FY 1992 reprogramming needs.

- A strategy for improved means to monitor and audit DOE and contractor line management of worker safety and health programs.

- Development of occupational safety and health training requirements for DOE and contractor employees, and an implementation plan and program to carry out training requirements. This effort will be coordinated with the

Director of Scientific and Engineering Recruitment, Training, and Development.

- o Any necessary revisions to the charter and membership of the ASEH Environment, Safety and Health Advisory Committee.

In addition, revised draft DOE Orders will be developed within 180 days which will be used as the basis for consideration of rulemaking. Also, provide in conjunction with the Office of Nuclear Safety, a quarterly status report on occupational safety and health oversight by the DOE Headquarters self-assessment organizations.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
CE-1
DP-1
EM-1
ER-1
FE-1
NE-1
NP-1
NS-1
TR-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH
GENERAL COUNSEL
DIRECTOR, OFFICE OF PROCUREMENT, ASSISTANCE AND PROGRAM MANAGEMENT

SUBJECT: DEVELOPING A STRATEGY FOR ASSIGNING REWARDS AND PENALTIES FOR COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS AND DEPARTMENT OF ENERGY (DOE) ORDERS

On January 9, 1991, the U.S. Department of Labor's OSHA presented me with a report of its evaluation of the DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

One of the recommendations from the OSHA evaluation report was to develop and implement stronger safety and health incentives. Such incentives would promote compliance with DOE occupational safety and health requirements. OSHA believes that penalties should be an integral part of the incentive program and that the system be structured so that there are immediate financial consequences for failing to comply with DOE's occupational safety and health requirements. Therefore, I immediately direct that all award fee performance evaluation plans include a well-defined occupational safety and health section.

In addition, I direct that within 120 days of the date of this memorandum that you provide to me:

- Options for strengthening the Department's current system of incentives and penalties as they apply to worker safety and health compliance. This should be coordinated with ongoing DOE initiatives of a similar nature, and include consideration of needed rulemaking, the DOE award fee process, and fixed- and no-fee DOE contracts. The options should be structured so as to differentiate between profitmaking and non-profitmaking contractors managing and operating DOE sites.

- Options for expansion of the role of the Assistant Secretary for Environment, Safety and Health on those portions of award fee determinations involving safety and health.

The Director, Office of Procurement, Assistance and Program Management, and the General Counsel are to provide assistance to the Office of Environment, Safety and Health in carrying out this memorandum. Also, this activity will be coordinated with the Program Secretarial Offices.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
CE-1
DP-1
EM-1
ER-1
FE-1
NE-1
NP-1
NS-1
PR-1
AD-1
GC-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR THE UNDER SECRETARY
ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH
ASSISTANT SECRETARY FOR NUCLEAR ENERGY
GENERAL COUNSEL
DIRECTOR, OFFICE OF NUCLEAR SAFETY
DIRECTOR, OFFICE OF PROCUREMENT, ASSISTANCE AND PROGRAM MANAGEMENT

SUBJECT: REEVALUATION OF THE DEPARTMENT OF ENERGY'S (DOE'S) PENDING WHISTLEBLOWER RULE

On January 9, 1991, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) presented me with a report of its evaluation of DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

One of their recommendations was for strengthening DOE's whistleblower protections. I therefore direct that OSHA's comments and recommendations on this subject be reviewed in connection with the currently pending whistleblower rule, which has been the subject of the rulemaking proceeding previously instituted by DOE, and present me with a plan by May 1, 1991, for addressing OSHA's concerns. The Office of the Under Secretary will have the lead in developing this plan.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
CE-1
DP-1
EM-1
ER-1
FE-1
NP-1
NS-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR OFFICE OF FINANCIAL MANAGEMENT AND CONTROLLER
ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH

SUBJECT: STRENGTHENING THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH (EH) ROLE AND RESPONSIBILITIES IN THE DEPARTMENT OF ENERGY (DOE) BUDGET PROCESS FOR WORKER SAFETY AND HEALTH PROGRAMS

On January 9, 1991, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) presented me with a report of its evaluation of DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

One of OSHA's recommendations was for upgraded budgeting in DOE for occupational safety and health programs. Therefore, I direct that:

- The FY 1993 budget include a crosscut to highlight contractor worker safety and health programs.
- EH prepare for S-1 approval, within 90 days, an implementation plan to establish a DOE-wide 5-year planning process to prioritize safety and health actions. This should be coordinated with the Office of Policy, Planning and Analysis.
- The roles and responsibilities for EH provide for a greater involvement by EH in DOE's occupational safety and health budgeting process for the line organizations. This should be provided within 90 days.

The Controller shall be accountable for actions in support of this memorandum which will also be coordinated with the Program Secretarial Offices.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
PE-1
CE-1
DP-1
EM-1
ER-1
FE-1
NE-1
DP-1
NS-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH

SUBJECT: ADDRESSING ADDITIONAL RECOMMENDATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION'S (OSHA'S) EVALUATION OF THE DEPARTMENT OF ENERGY'S (DOE'S) WORKER SAFETY AND HEALTH PROGRAMS

On January 9, 1991, the U.S. Department of Labor's OSHA presented me with a report of its evaluation of DOE's contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

In addition to the major safety and health issues presented in the OSHA report, additional action is required to adequately address other recommendations. These include such items as onsite inspections, program planning, program and personnel performance ratings, and investigations of worker safety and health complaints. The subject of worker safety and health complaints is being addressed by an Employee Concerns Task Force operating through the Office of the Under Secretary. I anticipate recommendations on this matter in the near future.

I therefore direct that within 90 days of the date of this memorandum that you present to me for approval a report which identifies and proposes appropriate action for each recommendation with the exception of the one on worker safety and health complaints. This effort will be carried out in close cooperation with other Program Secretarial and staff offices, who shall have lead roles, as appropriate, in identifying options and actions consistent with line management's responsibility for safety and health programs.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
CE-1
DP-1
EM-1
ER-1
FE-1
NE-1
NP-1
AD-1
PR-1
CR-1
GC-1
NS-1
TR-1
Operations Office Managers

THE SECRETARY OF ENERGY
WASHINGTON, D.C.

March 20, 1991

MEMORANDUM FOR ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH
DIRECTOR, OFFICE OF ADMINISTRATION AND HUMAN RESOURCE MANAGEMENT
DIRECTOR, OFFICE OF PROCUREMENT, ASSISTANCE AND PROGRAM MANAGEMENT

SUBJECT: ESTABLISHING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

On January 9, 1991, the U.S. Department of Labor's OSHA presented me with a report of its evaluation of the U.S. Department of Energy's (DOE's) contractor occupational safety and health programs. This evaluation, completed between April and September 1990, was conducted at my request. OSHA made a number of recommendations to strengthen DOE line management's accountability to and capabilities for OSHA compliance.

In order to formalize with OSHA its offer to participate and assist in the implementation of their recommendations, I direct that within 90 days of the date of this directive you initiate negotiations with OSHA personnel to draft an MOU to establish a working relationship with them. The MOU should capture OSHA's worker safety and health expertise for the expansion and improvement of DOE's accountability to internal oversight programs, training, technical information, whistleblower protection, and necessary worker safety and health standards development. The MOU will be limited by DOE's ability to reach mutual agreement on OSHA full-time employees and dollars. Provide me with quarterly status reports on this directive beginning July 1, 1991.

The Assistant Secretary for Environment, Safety and Health will be responsible for coordination of the actions under this directive.

James D. Watkins
Admiral, U.S. Navy (Retired)

cc:
CE-1
DP-1
EM-1
ER-1
FE-1
NE-1
NP-1
NS-1
AD-1
Operations Office Managers